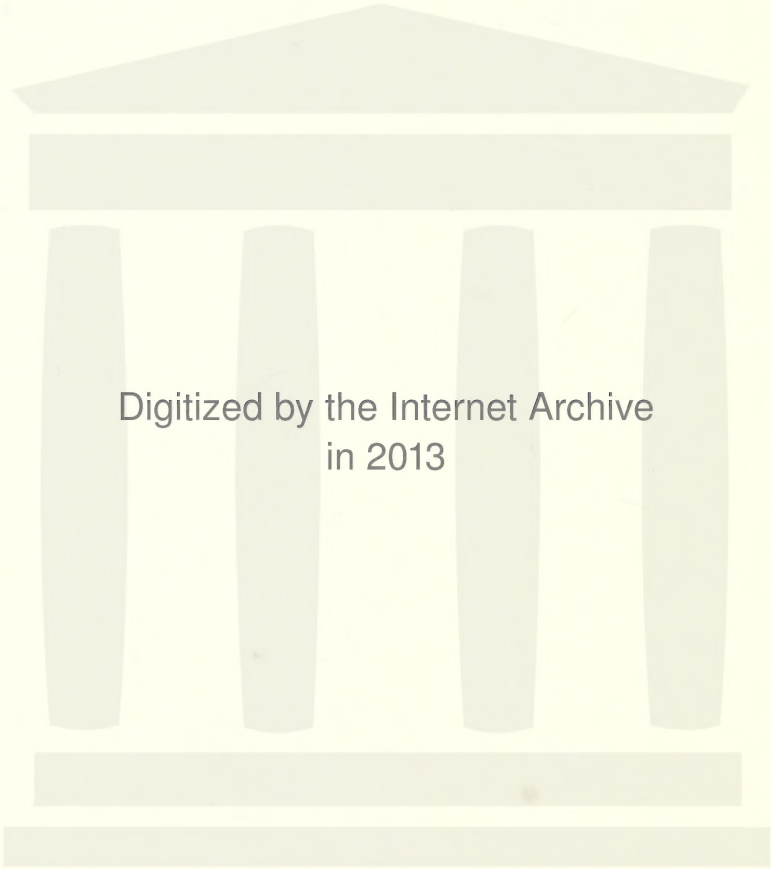

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JOURNAL

OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

EXTRA SESSION

1991

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OF
THE SENATE OF NORTH CAROLINA
1991 GENERAL ASSEMBLY
EXTRA SESSION
DECEMBER—1991

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SENATE JOURNAL
EXTRA SESSION
DECEMBER—1991

FIRST DAY

SENATE CHAMBER,
Monday, December 30, 1991.

In accordance with law, as set forth in the Constitution of the State of North Carolina and pursuant to the Proclamation issued by the Governor on December 20, 1991, the Senate of the North Carolina General Assembly convenes in Extra Session at the hour of 10:00 A.M. in the Senate Chamber in the Legislative Building in the City of Raleigh.

The Honorable James C. Gardner, Lieutenant Governor and President of the Senate, presides and calls the Senate to order.

Prayer is offered by the Reverend Steve Lucas, Senate Chaplain, as follows:

"Father, we are still living in the mood and the memories of Christmas and Hanukkah, and we are grateful for the light and laughter these seasons bring to us. We are grateful for events that happened so many centuries ago that are so sacred and so liberating that today we are still moved intellectually, emotionally, and spiritually by the meaning of these events.

"Father, please do not allow us to convince ourselves that the work You have for us to do here in this Chamber, and in government in general, is any less sacred than the meaning of the holiday seasons. Remind us that peace on earth and good will toward women and men only has meaning when it is a lived reality in our lives, our work, and our relationships. Amen."

Led by the Lieutenant Governor, members and guests remain standing and pledge allegiance to the United States of America.

The President lays before the Senate the Proclamation issued by Governor James G. Martin, December 20, 1991, as follows:

STATE OF NORTH CAROLINA

JAMES G. MARTIN
GOVERNOR

PROCLAMATION

I. REDISTRICTING:

The North Carolina Constitution, Article II, Section 3, requires that the "General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the Senate districts and the apportionment of Senators among those districts...."

Pursuant to the foregoing requirement, the 1991 General Assembly enacted Chapter 676 of the 1991 Sessions Laws setting forth Senate districts and the apportionment of Senators among those districts.

The North Carolina Constitution, Article II, Section 5, requires that the "General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the representative districts and the apportionment of Representatives among those districts...."

Pursuant to the foregoing requirement, the 1991 General Assembly enacted Chapter 675 of the 1991 Session Laws setting forth Representative districts and the apportionment of Representatives among those districts.

The Constitution of the United States, Article I, §2, as amended by Amendment XIV, provides that members of the United States House of Representatives shall be apportioned among the several states according to their respective numbers as determined every ten years in such manner as the Congress shall by law direct.

Pursuant to the foregoing requirement, a census was taken in 1990 and as a result thereof the State of North Carolina is entitled to twelve members of Congress for the period of the next ten years. North Carolina law provides that the North Carolina General Assembly apportion members of the United States House of Representatives among the districts established by the General Assembly. Pursuant to said requirements, the 1991 General Assembly enacted Chapter 601 and Section 33 of Chapter 761 of the 1991 Session Laws to provide for the increase from eleven to twelve congressional districts and the 1991 redistricting plan for the congressional districts of North Carolina.

As required by Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c, the redistricting plans for the North Carolina Senate, North Carolina House of Representatives and the United States House of Representatives were submitted to the United State Department of Justice for preclearance.

On December 18, 1991, the United States Department of Justice notified the State of North Carolina by letter signed by John R. Dunne, Assistant Attorney General, Civil Rights Division, that the submitted plans do not conform to federal law and tendered objections to the North Carolina State House, Senate and Congressional plans stating that one additional predominantly minority congressional district could have been created; that at least three additional minority districts could have been created for the State House, and that at least one additional minority district could have been created for the State Senate. The letter further referred to specific counties or geographic areas of the state in which those districts could have been created. The findings of the United States Department of Justice as set forth in the letter from John R. Dunne dated December 18, 1991, are incorporated herein by reference and I find that additional minority districts can be created in order that election opportunities for minority citizens residing in those counties specified in findings of the Department of Justice may be enhanced.

II. DATE FOR FILING NOTICE OF CANDIDACY:

Filing for election to state offices and the United State Congress commences pursuant to N.C.G.S. § 163-106(c), at 12:00 noon on the first Monday of January, (January 6, 1992), and terminates at 12:00 noon on the first Monday in February (February 3, 1992). It appears that the General Assembly of North Carolina may not be able to convene and develop redistricting plans for the North Carolina State House, Senate and Congressional districts within a time reasonable for potential candidates to select knowledgeably the offices for which they may desire to offer themselves considering the current statutory filing period. Therefore, I am of the opinion that there is an immediate necessity to amend current law to change the time period within which potential candidates must file for elective office.

I find that there is a need to convene the North Carolina General Assembly in an extra session in order that it may amend the statutory provisions providing for the time within which potential candidates must file for office, and to fulfill its constitutional duties of redistricting and reapportionment consistent with the Voting Rights Act of 1965, as amended.

III. ECONOMY AND EMPLOYMENT SECURITY TAX SURCHARGE:

Although North Carolina's economy has shown modest but steady growth out of the current recession, the growth rate continues to be less than was expected at this time. Because of that slow growth and the inability of North Carolina and other states to fully recover from the economic downturn of the past year, employees and employers continue to struggle with personal and business financial affairs.

North Carolina's unemployment insurance trust fund was severely tested by the recessions of 1975 and 1982 causing the General Assembly in 1983 to enact legislation amending the Employment Security Law to replenish and bolster the funds held in reserve to withstand another severe economic downturn. In 1987 the law was further amended so as to reach a projected trust fund balance of $1.8 billion by 1991 when only $1.2 billion to $1.4 billion would be needed for the fund to be solvent. The the federal trust fund has now reached $1.35 billion and the reserve fund now contains $193 million. Thus, these funds have exceeded all projections and have exceeded the solvency level established for the payment of unemployment insurance benefits.

Thus, I am of the opinion that immediate consideration must be given to amendments to Chapter 96 of the North Carolina General Statutes, and particularly §§96-5 and 96-9, to repeal the 20% employment security tax surcharge that was enacted in 1987. In doing so, employers in North Carolina would be relieved of approximately $50 million to $60 million per year of unnecessary taxes thereby further stimulating the economy and granting to employers an opportunity to use those funds for current expenses, maintaining employment opportunities and expansion.

IV. DECLARATIONS:

As required by Article III, Section 5 (7) of the Constitution, I have sought and received the advice of the Council of State concerning the need to call the General Assembly into extra session to address redistricting, the time for filing as a candidate for public office and repeal of the employment security tax surcharge and received from them their advice that it is appropriate for the General Assembly to be convened into extra session as provided in Article III, Section 5 (7) of the Constitution for those purposes. I have also discussed the matter with the Lieutenant Governor, the Speaker of the House of Representatives and the President *Pro Tempore* of the Senate. They are of the same view.

ACCORDINGLY, pursuant to the authority granted to me by Article III, Section 5(7) of the Constitution of North Carolina, I find that the circumstances stated above constitute an "extraordinary occasion" within the meaning of Article III, Section 5 (7) of the Constitution of North Carolina and **PROCLAIM** that the General Assembly is hereby convened in extra session for the purpose of considering legislation (1) amending section 163-106(c) of the North Carolina General Statutes, (2) amending the 1991 Session Laws, Chapter 601, "An Act to Divide North Carolina Into Twelve Congressional Districts," and Chapter 675, "An Act to Establish House of Representatives Districts and to Apportion Seats of the House of Representatives Among Districts," and Chapter 676, "An Act to Establish Senatorial Districts and to Apportion Seats In the Senate Among Districts," and Section 33 of Chapter 761, "An Act to Make Technical Corrections and Other Changes to the Law," and (3) amending Chapter 96 of the North Carolina General Statutes as necessary to repeal the employment security tax surcharge imposed in 1987.

This extra session to consider these matters shall begin the morning of December 30, 1991, at 10:00 o'clock, and shall continue as provided by law and the respective rules of the Senate and House of Representatives until both houses shall have adjourned such extra session *sine die*.

Done at Raleigh, Wake County, North Carolina, this 20th day of December, 1991.

S/James G. Martin

(SEAL)

The letter of John R. Dunne, Assistant Attorney General, Civil Rights Division, United States Department of Justice, incorporated by reference, is as follows:

U.S. Department of Justice
Civil Rights Division

Office of the Assistant Attorney General Washington, D.C. 20035

Tiare B. Smiley, Esq.
Special Deputy Attorney General
P.O. Box 629
Raleigh, North Carolina 27602-0629

Dear Ms. Smiley:

This refers to Chapter 675 (1991), which provides for the 1991 redistricting and a change in the method of election from 42 single-member districts and 30 multimember districts to 75 single-member districts and 20 multimember districts for the House of Representatives; Chapter 676 (1991) which provides for the 1991 redistricting plan and a change in the method of election from 22 single-member districts and 28 multimember districts to 34 single-member districts and 8 multimember districts for the Senate; and Chapter 601 and Chapter 761 (1991), which provide for the increase from eleven to twelve congressional districts and the 1991 redistricting plan for the congressional districts for the State of North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your response to our request for more information on November 5, 1991; supplemental information was received on November 18, 20, 21, 25, 26 and 27, and December 4, 10, 12 and 13, 1991.

We have carefully considered the information you have provided, as well as Census data and information and comments from other interested persons. At the outset, we note that 40 of North Carolina's 100 counties are covered under the special provisions of Section 5 of the Voting Rights Act. As it applies to the redistricting process, the Voting Rights Act requires the Attorney General to determine whether the submitting authority has sustained its burden of showing that each of the legislative choices made under a proposed plan is free of racially discriminatory purpose or retrogressive effect and that the submitted plan will not result in a clear violation of Section 2 of the Act. In the case of statewide redistrictings such as the instant ones, this examination requires us not only to review the overall impact of the plan on minority voters, but also to understand the reasons for and the impact of each of the legislative choices that were made in arriving at a particular plan.

In making these judgments, we apply the legal rules and precedents established by the federal courts and our published administrative guidelines. See, e.g. 28 C.F.R. 51.52(a), 51.55, 51.56. For example, we cannot preclear those portions of a plan where the legislature has deferred to the interests of incumbents while refusing to accommodate the community of interest shared by insular minorities, see, e.g., *Garza* v. *Los Angeles County,* 918 F.2d 763, 771 (9th Cir. 1990), *cert. denied*, 111 S. Ct. 681 (1991); *Ketchum* v. *Byrne*, 740 F.2d 1398, 1408-09 (7th Cir. 1984), *cert. denied*, 471 U.S. 1135 (1985), or where the proposed plan, given the demographics and racial concentrations in the jurisdiction, does not fairly reflect minority voting strength. *Thornburg* v. *Gingles*, 478 U.S. 30 (1986); *Hastert* v. *State Board of Elections*, F. Supp. (N.D. Ill., Nov. 6, 1991), 1991 WL 228185; *Wilkes County, Georgia* v. *United States*, 450 F. Supp. 1171, 1176 (D.D.C. 1978), *aff'd. mem.*, 439 U.S. 999 (1978).

Such concerns are frequently related to the unnecessary fragmentation of minority communities or the needless packing of minority constituents into a minimal number of districts in which they can expect to elect candidates of their choice. See 28 C.F.R.

51.59. We endeavor to evaluate these issues in the context of the demographic changes which compelled the particular jurisdiction's need to redistrict and the options available to the legislature. Finally, our entire review is guided by the principle that the Act ensures fair election opportunities and does not require that any jurisdiction guarantee minority voters racial or ethnic proportional results.

With this background in mind, our analysis shows that, in large part, the North Carolina House, Senate and Congressional redistricting plans meet the Section 5 preclearance requirements. Each plan, however, has particular problems which raise various concerns for us under the Voting Rights Act. We describe each of these problem areas separately below.

Respecting the House plan, the proposed configuration of district boundary lines in the following three areas of the state appear to minimize black voting strength: the Southeast area, involving Sampson, Pender, Bladen, Duplin, New Hanover, Wayne, Lenoir and Jones Counties; the Northeast area in which the state proposes to create District 8; and Guilford County.

In general, it appears that in each of these areas the state does not propose to give effect to overall black voting strength, even though it seems that boundary lines logically could be drawn to recognize black population concentrations in each area in a manner that would more effectively provide to black voters an equal opportunity to participate in the political process and to elect candidates of their choice. Another factor which appears to adversely impact on minority voting strength, by limiting the number of majority minority districts, was the state's decision to manipulate black concentrations in a way calculated to protect white incumbents.

In the Southeast area of the state, the state was aware of the significant interest on the part of the black community in creating districts in which they would constitute a majority. In fact, alternatives providing for two additional black majority districts were presented to the legislature. Rather than using this approach to recognize black voting strength, however, the proposed plan submerges concentrations of black voters in several multimember, white majority districts. Our own analysis suggests that a number of different boundary line configurations may be possible which more fairly recognize black population concentrations and provide minority voters an opportunity to elect candidates of their choice in at least one additional district.

In the Northeastern portion of the state, District 8 seems to have been drawn in such a way as to limit unnecessarily the potential for black voters to elect representatives of their choice. In spite of the 58 percent black population majority, serious concerns have been raised as to whether black voters in this district will have an equal opportunity to elect their preferred candidate, particularly given the fact that only 52 percent of the registered voters in the district are black. Our analysis indicates that a number of different options are available to draw District 8 in a manner which provides blacks an equal opportunity to participate in the electoral process (e.g., including in District 8 black concentrations in adjoining districts).

Similarly, in Guilford County, the proposed plan fails to recognize black population concentrations, although reasonable configurations of boundary lines would permit an additional district that would provide black voters the opportunity to elect their candidates of choice. While we have noted the state's assertion that the division of the black community in Guilford County into several districts enhances black voting strength by providing black voters an opportunity to influence elections in additional districts, it appears that the plan in fact was designed to ensure the re-election of white incumbents. This conclusion is bolstered by what appears to be similarly motivated decisions of the legislature involving other areas of the state, such as in Mecklenburg County. There, the state drew two minority House districts, while the minority population appears to be

sufficiently concentrated to allow for the drawing of three districts in which black voters would have an opportunity to elect candidates of their choice. While we are aware that Mecklenburg is not a county subject to the preclearance requirements of Section 5, information regarding the choices of boundary line changes in the county is relevant to our review of the concern that purposeful choices were made throughout the redistricting processes that adversely impact minority voting strength.

Respecting the Senate redistricting plan, the state has proposed district boundary lines in the southeast region of the state that appear to minimize black voting strength, given the particular demography of this area. Although boundary lines logically could be drawn to recognize black population concentration in a manner that would more effectively provide to black voters an equal opportunity to participate in the political process and to elect a candidate of their choice, the proposed districts seem to be the result of the state's decision to use concentration of black voters in white majority districts to protect white incumbents. Black citizens from this area testified that they felt a black majority single-member district could be fairly drawn, and alternatives providing for a black majority district were presented to the legislature. It appears, however, that concentrations of black voters have been submerged in several white majority districts. Our own analysis suggests that a number of different boundary line configurations may be possible which more fairly recognize black population concentrations and provide minority voters an opportunity to elect candidates of their choice in at least one additional district.

Respecting the congressional redistricting plan, we note that North Carolina has gained one additional congressional seat because of an increase in the state's population. The proposed congressional plan contains one majority black congressional district drawn in the northeast region of the state. The unusually convoluted shape of that district does not appear to have been necessary to create a majority black district and, indeed, at least one alternative configuration was available that would have been more compact. Nonetheless, we have concluded that the irregular configuration of that district did not have the purpose or effect of minimizing minority voting strength in that region.

As in the House and Senate plans, however, the proposed configuration of the district boundary lines in the south-central to southeastern part of the state appear to minimize minority voting strength given the significant minority population in this area of the state. In general, it appears that the state chose not to give effect to black and Native American voting strength in this area, even though it seems that boundary lines that were no more irregular than found elsewhere in the proposed plan could have been drawn to recognize such minority concentration in this part of the state. *Jeffers* v. *Clinton*, 730 F. Supp. 196, 207 (E.D. Ark. 1989), *affirmed*, 111 S. Ct. 662 (1991).

We also note that the state was well aware of the significant interest on the part of the minority community in creating a second majority-minority congressional district in North Carolina. For the south-central to southeast area, there were several plans drawn providing for a second majority-minority congressional district, including at least one alternative presented to the legislature. No alternative plan providing for a second majority-minority congressional district was presented by the state to the public for comment. Nonetheless, significant support for such an alternative has been expressed by the National Association for the Advancement of Colored People (NAACP) and the American Civil Liberties Union (ACLU). These alternatives, and other variations identified in our analysis, appear to provide the minority community with an opportunity to elect a second member of congress of their choice to office, but, despite this fact, such configuration for a second majority-minority congressional district was dismissed for what appears to be pretextual reasons. Indeed, some commenters have alleged that the state's decision to place the concentrations of minority voters in the southern part of the state into white majority districts attempts to ensure the election of white incumbents while minimizing minority electoral strength. Such submergence will have the expected

result of "minimiz[ing] or cancel[ling] out the voting strength of [black and Native American minority voters]." *Fortson* v. *Dorsey*, 379 U.S. 433, 439 (1965). Although invited to do so, the state has yet to provide convincing evidence to the contrary.

In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that the state's burden has been sustained in this instance with respect to the three proposed plans under review. Therefore, on behalf of the Attorney General, I must object to the 1991 redistricting for the North Carolina State House, Senate and Congressional plans to the extent that each incorporates the proposed configurations for the areas discussed above.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed 1991 House, Senate and Congressional redistricting plans have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, you may request that the Attorney General reconsider the objections. However, until the objections are withdrawn or a judgment from the District of Columbia Court is obtained, the 1991 redistricting for the North Carolina House, Senate and Congressional plans continue to be legally unenforceable. *Clark* v. *Roemer*, 59 U.S.L.W. 4583 (U.S. June 3, 1991); 28 C.F.R. 51.10 and 51.45.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the State of North Carolina plans to take concerning these matters. If you have any questions, you should call Richard Jerome (202-514-8696), an attorney in the Voting Section.

Sincerely,
S/John R. Dunne
Assistant Attorney General
Civil Rights Division

(See Appendix)

The roll of the members of the Senate heretofore elected to the 1991 General Assembly, having properly received and subscribed to the oath of office, is called and the following answer the call:

Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Soles, Speed, Tally, Walker, Ward, and Warren—44.

The President announces a quorum present.

Without objection, the President grants leaves of absence to Senator Smith due to a death in his family, to Senator Kaplan due to illness, and to Senator Winner who is out of the State.

The President announces Senators Kincaid, Staton, and Simpson are present.

OFFICERS

Without objection, on motion of Senator Barnes, the Officers elected under the provisions of the Constitution of North Carolina, the General Statutes, and the Rules of the 1991 Regular Session, are elected to serve as the Officers of this Extra Session.

ADOPTION OF RULES

Without objection, on motion of Senator Barnes, the President *Pro Tempore*, the Permanent Rules of the 1991 Regular Session are adopted as the Permanent Rules governing this Extra Session of the 1991 General Assembly.

APPOINTMENT OF COMMITTEES

Senator Barnes, the President *Pro Tempore*, after conferring with the Minority Leader, Senator Shaw, announces that the Standing and Select Committees of the Senate heretofore appointed during the 1991 Regular Session, including Chairmen, Vice-Chairmen, and Ranking Minority Members are hereby appointed to serve during this Extra Session.

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with the public business of this Extra Session of the 1991 General Assembly as stated in the Proclamation issued by the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
December 30, 1991

Mr. President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives is organized and stands ready to proceed with the public business of the 1991 Extra Session.

Respectfully,
S/Grace A. Collins
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Barnes offers a motion to the end that Rule 40 be suspended to allow the introduction of four measures, which motion prevails by a two-thirds majority vote.

By Senator Barnes:
S.B. 1, a bill to delay the opening and closing of filing for all 1992 primary elections, except the Presidential Preference Primary so as to allow time for the General Assembly to modify or seek enforcement of redistricting plans enacted by the 1991 Regular Session and to make conforming changes.
On motion of Senator Barnes, the bill is placed before the Senate for immediate consideration. Consequently, following his explanation and on his motion, the bill is ordered temporarily displaced.

By Senator Johnson:
S.B. 2, a bill to establish senatorial districts and to apportion seats in the Senate among districts.
Referred to **Redistricting Committee.**

By Senator Walker:
S.B. 3, a bill to divide North Carolina into twelve congressional districts.
Referred to **Redistricting Committee.**

By Senators Royall and Bryan:
S.B. 4, a bill to lower the Employment Security Commission Reserve Fund threshold, thereby eliminating unnecessary accumulations in the Reserve Fund and providing relief to employers.
Referred to **Finance Committee.**

Senator Daughtry offers a motion that Rule 40 be suspended to allow the introduction of the following bill which motion prevails by a two-thirds majority vote.

By Senators Daughtry and Cochrane:

S.B. 5, a bill to establish senatorial districts and to apportion seats in the Senate among districts.

Referred to **Redistricting Committee.**

The President *Pro Tempore* announces the intention to adjourn this Extra Session for more than three calendar days to reconvene at a later date and therefore, pursuant to G.S. 120-19.6, announces that standing committees will meet upon the call of the Chairman during the interim of the Extra Session.

EXECUTIVE ORDERS

Executive Orders received following adjournment of the First Regular Session of the 1991 General Assembly are presented to the Senate (See Appendix), read and referred to committee, as follows:

Executive Order Number 147, Establishment of the Geographic Information Coordinating Council and the Transfer of the Center for Geographic Information and Analysis to the Office of the Governor.

Referred to **State Personnel and State Government Committee.**

Executive Order Number 148, Governor's Task Force on Health Objectives for the Year 2000.

Referred to **Human Resources Committee.**

Executive Order Number 149, Rescission of Executive Order Number 79 Which Established the North Carolina Small Business Council.

Referred to **State Personnel and State Government Committee.**

Executive Order Number 150, North Carolina Human Service Transportation Council.

Referred to **State Personnel and State Government Committee.**

Executive Order Number 151, Governor's Advisory Commission on Military Affairs.

Referred to **State Personnel and State Government Committee.**

Executive Order Number 152, Establishing the Persian Gulf War Memorial Commission.

Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee.**

Executive Order Number 153, North Carolina 2000.

Referred to **Education Committee.**

Executive Order Number 154, Amending Executive Order Number 53, The Governor's Inter-Agency Advisory Team on Alcohol and Other Drug Abuse.

Referred to **State Personnel and State Government Committee.**

Executive Order Number 155, Amending Executive Order Number 65, North Carolina State Defense Militia.

Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee.**

Executive Order Number 156, Establishing the North Carolina Committee on Literacy and Basic Skills and Rescinding Executive Order Number 90.

Referred to **Higher Education Committee.**

Executive Order Number 157, Waiving Certain Penalties Pursuant to Chapter 166A of the General Statutes of North Carolina.
Referred to **Transportation Committee.**

Executive Order Number 158, Republishing and Amending Executive Order No. 137.
Referred to **Pensions and Retirement Committee.**

The Lieutenant Governor announces receipt of an Agreement for the Establishment of a Sister State Relationship between the State of North Carolina of the United States of America and the Province of Taiwan of the Republic of China and a request that the Agreement be made a part of the permanent records of the Senate. Without objection, the Chair orders the Agreement placed on file in the Office of the Principal Clerk. (See Appendix)

CALENDAR

S.B. 1, a bill to delay the opening and closing of filing for all 1992 primary elections, except the Presidential Preference Primary so as to allow time for the General Assembly to modify or seek enforcement of redistricting plans enacted by the 1991 Regular Session and to make conforming changes, temporarily displaced earlier.
Senator Martin of Guilford offers Amendment No. 1 as follows:

> "moves to amend the bill on page 1, line 15 by adding immediately before the period the words:
> ", and except that filing of notices of candidacy for any non-partisan election held on May 5, 1992, where there is a primary earlier in 1992, shall be made as if this act had not been enacted".

Amendment No. 1 is adopted (44-0).
The bill, as amended, passes its second (44-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger, without engrossment.

PUBLIC HEARINGS

Senator Barnes announces a Public Hearing before the Redistricting Committee on January 8, 1992, on a Senate Plan at 1:00 P.M. and on a Congressional Plan at 3:00 P.M. in the Auditorium of the Legislative Building.

INTRODUCTION OF RESOLUTION

Senator Barnes offers a motion that Rule 40 be suspended to allow the introduction of a joint resolution which motion prevails by a two-thirds majority vote.

By Senator Barnes:
S.J.R. 6, a joint resolution setting the time for adjournment of the 1991 Extra Session of the General Assembly to reconvene in 1992.
On motion of Senator Barnes, the joint resolution is placed before the Senate for immediate consideration.
The joint resolution passes its second (45-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

Without objection, on motion of Senator Barnes the Senate stands in recess for the purpose of a committee meeting.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1, an act to delay the opening and closing of filing for all 1992 primary elections, except the Presidential Preference Primary so as to allow time for the General Assembly to modify or seek enforcement of redistricting plans enacted by the 1991 Regular Session and to make conforming changes. (Ch. 1)

S.J.R. 6, a joint resolution setting the time for adjournment of the 1991 Extra Session of the General Assembly to reconvene in 1992. (Res. 1)

REPORT OF COMMITTEE

The following bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee:**

S.B. 4, a bill to lower the Employment Security Commission Reserve Fund threshold, thereby eliminating unnecessary accumulations in the Reserve Fund and providing relief to employers, with a favorable report.

HONORARY PAGE

Senator Barnes rises pursuant to the announcement of the birth of Leah Catherine Daniel on December 3, 1991, daughter of Senator and Mrs. George B. Daniel of Caswell County, and presents Senator Daniel with an Honorary Page Certificate for his new daughter.

Pursuant to Resolution 1 of the 1991 Extra Session of the General Assembly, **S.J.R. 6,** a joint resolution setting the time for adjournment of the 1991 Extra Session of the General Assembly to reconvene in 1992, Senator Barnes, seconded by Senator Cochrane, offers a motion that the Senate do now adjourn to reconvene at 12:00 Noon on January 13, 1992, which motion prevails.

The hour for adjournment having arrived as fixed by Resolution 1, Lieutenant Governor Gardner, by the authority vested in him as President of the Senate, declares the Senate adjourned at 12:00 Noon to reconvene at 12:00 Noon on Monday, January 13, 1992.

SECOND DAY

SENATE CHAMBER,
Monday, January 13, 1992.

The Senate meets at 12:00 Noon pursuant to adjournment as provided by Resolution 1 and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, finding the balance between our own individual needs and the needs of others, whether in a small group like a family, or in a larger group, like a community or a state, is never an easy job. We all struggle with an innate human instinct called self-preservation. It is a good and natural instinct that You have instilled in us, Father, so that we may survive life's hardships.

"As this Body struggles with difficult decisions here today, help them, and all of us, to balance our instincts with conscience, the innate sense of right and wrong You have also instilled within each of us. Father, I lift up this group of public servants to You today. Guard their hearts and minds with Your Compassion, and give them Your Counsel, as they make decisions that affect so many lives, and influence so many issues in our State.

"Remind us that the highest expression of humanness is found not at the level of our instincts, but at the level our consciences call us to. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of Monday, December 30, 1991, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

The following bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Winner for the **Redistricting Committee:**

S.B. 2, a bill to establish Senatorial Districts and to apportion seats in the Senate among districts, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, the Committee Substitute bill is adopted.

Without objection, on motion of Senator Winner, the Committee Substitute bill remains before the Senate for further consideration.

Senator Daughtry offers Amendment No. 1 which fails of adoption (15-34).

Senator Hyde offers Amendment No. 2 which is adopted (49-0).

Senator Sands offers Amendment No. 3 which is adopted (50-0).

Without objection, on motion of Senator Martin of Pitt, the Committee Substitute bill, as amended, is temporarily displaced.

INTRODUCTION OF BILL

Senator Basnight offers a motion that Rule 43 be suspended to allow the introduction of the following bill filed today.

By Senator Basnight:

S.B. 7, a bill to allow the Dare County Board of Commissioners to redistrict its residency districts and change the manner of election of the Board of Commissioners in time for the 1992 primary and elections.

Senator Bryan rises to a point of order, as follows:

"Mr. President, I don't believe that the Executive Order calling this Session allows us to suspend the Constitution and as I understand the suspension of rules that's basically what the purpose would be. I don't think this is a suspension of rules, Mr. President and members, to do something that we're authorized to do in a way different from what the rules call for but rather is a motion to suspend the Constitution and I don't think we can do that, and I'm sorry I have to bring this up by I just think what we're talking about doing is suspending the Constitution and I really don't think we can do that, Senator Basnight. I would like to raise that as a point of order if that's the appropriate question to place before the Chair."

The Chair rules that the motion to suspend the rules does deal with redistricting and fails to sustain the point of order.

The motion offered by Senator Basnight that Rule 43 be suspended to allow the introduction of **S.B. 7** today prevails by a two-thirds majority vote (44-1). The bill is read a first time and on motion of Senator Basnight, the bill is placed before the Senate for further consideration, upon second reading.

The bill passes its second (47-0) and third readings and is ordered, without objection, on motion of Senator Basnight, sent to the House of Representatives by special messenger.

CALENDAR

A bill on the Calendar is taken up and disposed of as follows:

S.B. 4, a bill to lower the Employment Security Commission Reserve Fund threshold, thereby eliminating unnecessary accumulations in the Reserve Fund and providing relief to employers.

Without objection, on motion of Senator Royall, Carol Shaw of the Fiscal Research Division of the Legislative Services Office of the General Assembly is granted privileges of the floor to assist in the explanation of the measure.

The bill passes its second (49-0) and third readings and is ordered, without objection, on motion of Senator Royall, sent to the House of Representatives by special messenger.

EXECUTIVE ORDERS

An Executive Order received is presented to the Senate, read, and referred to committee, as follows: (See Appendix)

Executive Order Number 159, North Carolina Governor's Commission on Workforce Preparedness, Terminating Executive Order Number 107.

Referred to **State Personnel and State Government Committee.**

CALENDAR (Continued)

S.B. 2 (Committee Substitute), a bill to establish Senatorial Districts and to apportion seats in the Senate among districts, as amended, temporarily displaced earlier.

The Committee Substitute bill, as amended, passes its second reading (31-19).

Senator Daughtry objects to the third reading of the measure which remains on the Calendar for the next legislative day, for further consideration upon third reading.

Senator Winner offers a motion that the rules be suspended to allow consideration of the measure upon third reading today, which motion he subsequently withdraws.

Senator Daughtry withdraws his objection to the third reading, and with unanimous consent, the Committee Substitute bill, as amended, is withdrawn from the Calendar for the next legislative day and is placed before the Senate for further consideration upon its third reading.

The Committee Substitute bill, as amended, passes its third reading (32-18).

Without objection, on motion of Senator Winner, the Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special messenger, without engrossment.

Without objection, on motion of Senator Barnes, the Senate recesses at 1:35 P.M. to reconvene at 3:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

There being no further business, on motion of Senator Barnes, seconded by Senator Sands, the Senate adjourns at 3:45 P.M. to meet tomorrow, January 14, at 2:00 P.M.

THIRD DAY

SENATE CHAMBER,
Tuesday, January 14, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, Legislators go by a variety of names and titles; decision-makers, public servants, politicians, but they also go by the names of mom, dad, son, daughter, husband, wife.

"These here in this Chamber have a public side of who they are, the 'official' role they play in their careers and legislative duties, but there is also an 'unofficial' person that lives within each as well.

"Today, Father, we pray for the 'unofficial' moms, dads, sons, daughters, husbands, and wives that stand here today. Remind us all that as important, as critical as the work that goes on in this Chamber is, an equally important measure of our lives is found in the quality of the relationships we cultivate and live out with those for whom we are responsible and those who are responsible for us. Amen."

Senator Royall, Deputy President *Pro Tempore*, announces the Journal of yesterday, January 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President *Pro Tempore* grants a leave of absence to Senator Perdue who is attending the Equal Access Committee meeting of the Southern Legislative Conference of the Council of State Governments.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 14, a bill to provide that Chapter 1 of the 1991 Extra Session does not affect the filing period for the High Point City elections.

On motion of Senator Seymour, the rules are suspended, without objection, and the bill is placed before the Senate for immediate consideration.

The bill passes its second (44-0) and third readings and is ordered enrolled.

The President *Pro Tempore* relinquishes the gavel to the President of the Senate, Lieutenant Governor Gardner, who presides.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 7, an act to allow the Dare County Board of Commissioners to redistrict its residency districts and change the manner of election of the Board of Commissioners in time for the 1992 primary and elections. (Ch. 2)

H.B. 14, an act to provide that Chapter 1 of the 1991 Extra Session does not affect the filing period for the High Point City elections. (Ch. 3)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 2 (Committee Substitute), a bill to establish House of Representatives districts and to apportion seats in the House of Representatives among districts, with Amendments No. 7 and No. 9 not engrossed.
Referred to **Redistricting Committee.**

The Senate recesses at 4:31 P.M. for the purpose of a committee meeting to reconvene at 5:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Winner for the **Redistricting Committee:**

H.B. 2 (Committee Substitute), a bill to establish House of Representatives districts and to apportion seats in the House of Representatives among districts, with a favorable report.
On motion of Senator Winner, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration upon second reading.
The Committee Substitute bill passes its second reading (23-12).
Without objection, on motion of Senator Barnes, the Committee Substitute bill is temporarily displaced.
With no intervening business, on motion of Senator Barnes, the Committee Substitute bill is placed before the Senate for further consideration upon third reading, without objection.
The Committee Substitute bill passes its third reading (24-12) and is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.J.R. 16, a joint resolution setting the time for adjournment of the 1991 Extra Session of the General Assembly to reconvene in 1992.

On motion of Senator Barnes, the rules are suspended, without objection, and the joint resolution is placed before the Senate for immediate consideration; consequently, without objection, on motion of Senator Barnes, the joint resolution is temporarily displaced.

S.B. 2 (Committee Substitute), a bill to establish Senatorial Districts and to apportion seats in the Senate among districts, for concurrence in House Amendment No. 2.

On motion of Senator Barnes, the rules are suspended, without objection, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in House Amendment No. 2 (31-0) and the Committee Substitute bill is ordered enrolled.

CALENDAR (Continued)

H.J.R. 16, a joint resolution setting the time for adjournment of the 1991 Extra Session of the General Assembly to reconvene in 1992, temporarily displaced earlier.

The joint resolution passes its second (32-0) and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 2 (Committee Substitute), an act to establish Senatorial Districts and to apportion seats in the Senate among districts. (Ch. 4)

H.B. 2 (Committee Substitute), an act to establish House of Representatives districts and to apportion seats in the House of Representatives among districts. (Ch. 5)

H.J.R. 16, a joint resolution setting the time for adjournment of the 1991 Extra Session of the General Assembly to reconvene in 1992. (Res. 2)

Pursuant to Resolution 2, on motion of Senator Sherron, seconded by Senator Johnson, the Senate adjourns at 7:00 P.M. to meet Wednesday, January 22, at 1:00 P.M.

FOURTH DAY

SENATE CHAMBER,
Wednesday, January 22, 1992.

The Senate meets pursuant to adjournment as provided by Resolution 2 and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, the decisions made by this Senate today will shape North Carolina's future in numerous ways.

"As the future slowly, minute by minute, becomes our present reality, as it surely will, it is comforting to know that the political, social, and economic changes that will result from the work accomplished here today, will be changes that You will be aware of, but they will not change You. You, Father, are the Same yesterday, today, and in all our tomorrows.

"Your love for us will always endure, no matter how much we may change or how far we wander from Your care. Thank You that this assurance is something we can rest in, find peace in, when change threatens to overwhelm us. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of Tuesday, January 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Block who "will be out of the country," and to Senator Seymour "due to hospitalization."

Without objection, on motion of Senator Barnes, the Senate recesses at 1:15 P.M. to reconvene at 3:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

There being no business, on motion of Senator Barnes, seconded by Senator Johnson, the Senate adjourns at 3:40 P.M. to meet tomorrow, January 23, at 2:00 P.M.

FIFTH DAY

SENATE CHAMBER,
Thursday, January 23, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, complex, perplexing, intricate, detailed, tedious—life in our society is frequently described by these terms and others synonymous with them, and it seems that the simple and straightforward concepts of truth, justice, and compassion are not easily applied to the daily realities of our relationships, our government, our businesses, and our schools.

"Father, help us to live our lives in such a way that we could, if required, defend our actions and our beliefs not by lengthy explanations, but by simply saying that we spent the time we were given, giving of ourselves to others rather than protecting ourselves from others. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, January 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence for today to Senator Johnson due to "illness," to Senator Royall due to "prescheduled knee surgery at Duke Hospital," and to Senator Seymour and Senator Block.

With no business to come before the Senate, on motion of Senator Barnes, the Senate recesses at 2:25 P.M. to reconvene at 4:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

S.B. 4, an act to lower the Employment Security Commission Reserve Fund threshold, thereby eliminating unnecessary accumulations in the Reserve Fund and providing relief to employers. (Ch. 6)

On motion of Senator Winner, seconded by Senator Basnight, the Senate adjourns at 6:45 P.M. to meet tomorrow, January 24, at 1:00 P.M.

SIXTH DAY

SENATE CHAMBER,
Friday, January 24, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Honorable Howard N. Lee, Senator from Orange County, as follows:

"Lord, some day historians will sit to research, evaluate, and write about these times. It may be that they will judge us in light of what we do in this Chamber today, and in days to come, and it may be the only record by which they can sincerely judge the commitment we had to carry out our job in a manner to benefit those we serve.

"Help us to do our work so that others will know that we did our best. Help us to express our differences with respect for each other and each others views. Help us to be vigilant in our positions but be caring toward each other. Help us to signal to the next generation that we put the interest of our State above our personal and political interests.

"Lord, please be the Source and the Strength of our work. Amen."

Senator Winner for the **Rules and Operation of the Senate Committee** announces the Journal of yesterday, January 23, has been examined and is found to be correct except as to the ratification of **S.B. 4,** a bill to lower the Employment Security Commission Reserve Fund threshold, thereby eliminating unnecessary accumulations in the Reserve Fund and providing relief to employers, which failed to be ratified by the Speaker of the House of Representatives and moves the entry be stricken from the record;

on his further motion the Senate dispenses with the reading of the Journal and it stands approved as corrected.

The President grants a leave of absence for today to Senator Blackmon who is attending a "meeting in California—scheduled earlier;" to Senator Parnell due to "business;" to Senator Forrester who has "to cover medical practice—associate Dr. Beth Tarkington is pregnant and due any day;" to Senator Speed who "has the flu;" and to Senator Block; Senator Seymour; Senator Royall; and Senator Sands.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 3 (Committee Substitute), a bill to divide North Carolina into twelve congressional districts.

On motion of Senator Winner, without objection, the Committee Substitute bill is placed before the Senate for immediate consideration.

Pursuant to Rule 11, the Lieutenant Governor requests permission and, with unanimous consent, addresses the Senate speaking to the measure.

Lengthy debate ensues, during which time Senator Basnight holds the gavel for a brief period.

The Committee Substitute bill passes its second (24-12) and third readings and is ordered enrolled.

Pursuant to the announcement by Senator Lee, the Senate acknowledges with a standing ovation the presentation to Senator Russell Walker of Randolph County an award as Citizen of the Year by the Randolph County Chamber of Commerce.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 4, an act to lower the Employment Security Commission Reserve Fund threshold, thereby eliminating unnecessary accumulations in the Reserve Fund and providing relief to employers. (Ch. 6)

H.B. 3 (Committee Substitute), an act to divide North Carolina into twelve congressional districts. (Ch. 7)

INTRODUCTION OF RESOLUTION

Senator Barnes offers a motion that Rule 43 be suspended to allow the introduction of the following joint resolution filed today which motion prevails by a two-thirds majority vote.

By Senator Barnes:

S.J.R. 8, a joint resolution setting the time for adjournment of the 1991 Extra Session of the General Assembly to reconvene in 1992.

Without objection, on motion of Senator Barnes, the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (32-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 15, a bill to make a technical correction to legislation enacted by the 1991 General Assembly by correcting a statutory reference.

Senator Barnes rises to a point of order as to the eligibility for consideration of the bill under the provisions of the Proclamation calling the Senate into Extraordinary Session. The Chair rules due to the urgency of the implementation of the act the measure to be in order sustaining the point of order.

Senator Barnes offers a motion the measure be placed before the Senate for immediate consideration which motion prevails and the bill is read a second time.

The bill passes its second (28-0) and third readings and is ordered enrolled.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 15, an act to make a technical correction to legislation enacted by the 1991 General Assembly by correcting a statutory reference. (Ch. 8)

The President of the Senate relinquishes the gavel to Senator Barnes, President *Pro Tempore*, who presides in his absence.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following resolution properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

S.J.R. 8, a joint resolution setting the time for adjournment of the 1991 Extra Session of the General Assembly to reconvene in 1992. (Res. 3)

Pursuant to Resolution 3, on motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns at 5:00 P.M. to meet Monday, February 3, at 12:00 Noon.

SEVENTH DAY

SENATE CHAMBER,
Monday, February 3, 1992.

The Senate meets at 12:00 Noon pursuant to adjournment as provided by Resolution 3 and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, as we assess the wide range of work-related and personal opportunities placed before us each day, help us always to use one rule of thumb in making our decisions on which opportunities we will pursue.

"Unless we can honestly and genuinely thank You for the presence of a particular opportunity in our lives, along with the consequences that accompany it, then give to each one of us the wisdom to call this opportunity by its real name, temptation; and then give us the courage and the strength to turn and walk away.

"Thank You, Father, that You stand ready to help us when we are faced with these critical moments in our lives. Amen."

Senator Winner for the **Rules and Operation of the Senate Committee** announces the Journal of Friday, January 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President *Pro Tempore* grants a leave of absence for today to Senator Carter due to a "business appointment;" to Senator Forrester "to cover medical practice;" to Senator Royall due to "knee surgery—hospital;" to Senator Seymour; and to Senator Odom.

With no business to come before the Senate, on motion of Senator Winner, the Senate recesses at 12:47 P.M. to reconvene at 3:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

The President *Pro Tempore* grants a leave of absence to Senator Hartsell for the remainder of today's Session to "attend meeting of Cabarrus County Commission."

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1 (Committee Substitute), a bill to provide for further alteration of the 1992 election timetable.

Without objection, on motion of Senator Winner, the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (36-2) and third readings and is ordered enrolled.

H.J.R. 19, a joint resolution adjourning the 1991 Extra Session of the General Assembly *sine die*.

Referred to **Rules and Operation of the Senate Committee**.

Without objection, on motion of Senator Winner, the Senate recesses at 6:05 P.M. for the purpose of a committee meeting to reconvene at 6:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Winner for the **Rules and Operation of the Senate Committee**:

H.J.R. 19, a joint resolution adjourning the 1991 Extra Session of the General Assembly *sine die*, with an unfavorable report as to joint resolution, but favorable as to Senate Committee Substitute joint resolution.

On motion of Senator Winner, the rules are suspended and, the Senate Committee Substitute joint resolution, which changes the title to read **H.J.R. 19** (Senate

Committee Substitute), a joint resolution providing for adjournment of the 1991 Extra Session of the General Assembly, is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Senate Committee Substitute joint resolution is adopted, and on his further motion remains before the Senate for further consideration upon second reading.

Senator Winner offers Amendment No. 1 which is adopted (37-0).

The Senate Committee Substitute joint resolution, as amended, passes its second (37-0) and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in the Senate Committee Substitute joint resolution with Amendment No. 1 not engrossed, by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1 (Committee Substitute), an act to provide for further alteration of the 1992 election timetable. (Ch. 9)

H.J.R. 19 (Senate Committee Substitute), a joint resolution providing for adjournment of the 1991 Extra Session of the General Assembly. (Res. 4)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 19

House of Representatives
February 3, 1992

Mr. President:

It is ordered that a message be sent to the Senate respectfully advising that Honorable Body that the House of Representatives has concluded the public business of the 1991 Extra Session and stands ready to adjourn *sine die* pursuant to H.J.R. 19 "A JOINT RESOLUTION ADJOURNING THE 1991 EXTRA SESSION OF THE GENERAL ASSEMBLY *SINE DIE*".

Respectfully,
S/Grace A. Collins
Principal Clerk

The President *Pro Tempore* orders a message sent to the House of Representatives informing that Honorable Body that the Senate has concluded the public business of the 1991 Extra Session as set forth in the Proclamation issued by the Governor (See Addendum), and has ratified H.J.R. 19 providing for adjournment to reconvene at 10:00 A.M. on Monday, February 17 upon the disapproval of the plans to redistrict the North Carolina Senate, North Carolina House of Representatives, or the United States House of Representatives submitted to the United States Department of Justice under the Voting Rights Act of 1965, As Amended; but further, upon the approval by Saturday, February 15, of said plans providing for adjournment, *sine die*.

Senator Basnight offers a motion that the Senate of the 1991 General Assembly meeting in Extra Session do now adjourn, *sine die*, seconded by Senator Daniel, which motion prevails.

Pursuant to the message that the House of Representatives has completed the business before it and has ratified H.J.R. 19 providing for adjournment and the Senate having taken a like action, in compliance with Resolution 4 of the Extra Session, the President *Pro Tempore* declares the Senate of the 1991 General Assembly, meeting in Extra Session, adjourned at 6:30 P.M., to reconvene at 10:00 A.M. on February 17 upon notice of disapproval of any one of the redistricting plans submitted to the Department of Justice and upon notice of approval of all plans submitted, adjourned, *sine die.* (See Appendix)

S/James C. Gardner
President of the Senate

S/Sylvia Morris Fink
Principal Clerk of the Senate

ADDENDUM

It is noted the following documents outlined below were made available to the members for use in the explanation and consideration of S.B. 2 relative to Senatorial Districts, H.B. 2 relative to House Districts, and H.B. 3 relative to Congressional Districts are on file in the Legislative Library and are also made a part of Senate archival papers:

S.B. 2 (Committee Substitute), a bill to establish Senatorial Districts and to apportion seats in the Senate among districts.

1. A packet of maps, one showing the state, two showing regions in the state, and the remainder showing individual districts;
2. A statistical report, "District Statistics," showing the deviation of each district from the ideal size;
3. A statistical report, "District Summary," showing the total and voting age population of each district, with columns for White, Black, and American Indian population of each district;
4. A statistical report, "Registration," showing the number and percentage of registered voters in each district, with columns for White, Black, Other, Democrat, and Republican registered voters;
5. A statistical report, "Elections," showing selected election data for each district;
6. A statistical report, "Units with Differing Assignments Between Plans," which shows the differences between 1991 SENATE BASE #3 and 1992 SENATE BASE #6;
7. A statistical report, "Assigned Units," organized alphabetically by county, indicating to which districts counties and parts of counties are assigned by this plan; and
8. Chapter 4 of the 1991 Session Laws (Extra Session 1991) which lists the counties and parts of counties included in each district, organized by district.

H.B. 2 (Committee Substitute), a bill to establish House of Representatives districts and to apportion seats in the House of Representatives among districts.

The attached statistics cover 1992 HOUSE BASE PLAN #5. There are 7 statistical reports, a copy of Chapter 5 of the 1991 Session Laws (1991 Extra Session) and a set of maps. Maps are provided only for districts that differ from the plan ratified as Chapter 675 of the 1991 Session Laws (1991 House Base Plan #3).

1992 HOUSE BASE PLAN #5 contains 5 three-member districts, 12 two-member districts, and 81 single-member districts. The plan creates 3 new minority districts: one in Guilford County (District 28) and two in the southeast (Districts 97 and 98). The Plan also increases the minority percentage in District 8 by over three percent. Adjustments were made to each of the following districts to accomodate these changes: 8, 9, 10, 11, 12, 13, 14, 16, 19, 26, 27, 28, 29, 30, 38, 71, 77, 79, 89, 94, and 95. The following are new districts: 96 (Bladen and parts of Cumberland, Sampson, Pender, and New Hanover); 97 (parts of Wayne, Duplin, and Sampson); and 98 (parts of New Hanover, Brunswick, Pender, and Columbus.

District 97 includes Seymour Johnson Air Force Base in Goldsboro (See Attachment B). The district is 51.68% black in total population. Excluding the 7.940 white residents and 1.905 black residents on the base, the district is 60.6% black in total population. Only 254 of the base residents are currently registered to vote (see Attachment A from the Wayne County Board of Elections). District 98 is 59.26% black in total population. District 28 is 58.23% black in total population.

The first report, Districts Statistics, shows deviations from the ideal population. The total range of deviation is 9.97%. The second report, Total Population, shows census

information by race for each House district. The third report, Voting Age Populations, shows voting age population by race. The fourth report, Registration, shows voter registration for each House district by race and by political party. There is no separate listing for unaffiliated voters, who constitute the balance, because of a limit on the number of columns in the report.

The fifth report, County Population by District, shows for each district the total number of persons, by race, from each county in that district. The sixth report, County Split Assignments, shows the districts within each county and the number of persons, by race, from each district in that county. The seventh report, Units With Differing Assignments Between Plans, shows changes from 1991 HOUSE BASE PLAN #3, the plan enacted by the 1991 Regular Session of the General Assembly (Chapter 675, 1991 Session Laws).

H.B. 3 (Committee Substitute), a bill to divide North Carolina into twelve congressional districts.

SUBJECT: 1992 CONGRESSIONAL BASE PLAN #10-Explanation/Statistics

The House Congressional Redistricting Committee today approved Congressional Redistricting Plan 1992 CONGRESSIONAL BASE PLAN #10. The plan has a total population deviation of 1.

The Plan creates two majority black congressional districts.

Attached are six statistical reports, a map of the State, and maps of each proposed district. The first statistical report shows population deviation, the second covers total population, the third voting age population, and the fourth voter registration. The fifth report shows for each county which district or district it is in, with population breakouts by race. The sixth report shows for each district which counties are in it, with population breakouts by race. Also attached is a memorandum discussing analysis of voter registration statistics.

February 3, 1992 (See page 26)

It is noted the following bills and joint resolution were filed for introduction by Senator Winner and not presented to the Senate prior to adjournment under the provisions of Resolution 4:

S.B. 9, a bill to provide for further alteration of the 1992 election timetable.

S.B. 10, a bill to provide for further alteration of the 1992 election timetable.

S.J.R. 11, a joint resolution setting the time for adjournment of the 1991 Extra Session of the General Assembly to reconvene in 1992.

APPENDIX

EXECUTIVE ORDERS

of the

GOVERNOR OF THE STATE

OF NORTH CAROLINA

JAMES G. MARTIN

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B.1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued following adjournment of the 1991 Regular Session through January 6, 1992, as summarized below.

The full text of Executive Orders 147 through 159 can be found in the *Session Laws of the 1991 General Assembly, Second Session 1992.*

Executive Order	*Title*	*Date of Issuance*
147	**Establishment of the Geographic Information Coordinating Council and the Transfer of the Center for Geographic Information and Analysis to the Office of the Governor**	7/30/91

Establishes Geographic Information Coordinating Council, with the concurrence of the Information Technology Commission, to consist of twelve members. Governor appoints Chair. Shall form standing committees: (a) State Government GIS User Committee, (b) State Mapping Advisory Committee (SMAC), (c) Affiliated GIS User Group Committee. **Purpose:** coordinate a state-wide geographic information effort among government agencies, academic institutions, and the private sector to improve quality, access, cost effectiveness and promotion as a strategic resource for the State. Advise Governor, Legislature, and ITC as to direction, responsibilities, and funding. **Transfers** (Type I) Center for Geographic Information and Analysis from Department of Environment, Health, and Natural Resources to State Policy and Planning in Office of Governor. **Effective** until June 30, 1995 or until rescinded.

148	**Governor's Task Force on Health Objectives for the Year 2000**	8/6/91

Establishes Governor's Task Force on the Year 2000 Health Objectives of not more than 25 serving at the pleasure of the Governor. Governor designates Chair. **Purpose:** list health objectives obtainable by 2000 emphasizing health promotion and disease prevention to increase life span of citizens, and remove disparities of disadvantaged. **Administrative support:** by grant for Reynolds Health Care Trust through Departments of Environment, Health, and Natural Resources and Human Resources. **Report** to Governor by September 1, 1992. **Effective** upon completion and delivery of objectives to Governor.

149	**Rescission of Executive Order Number 79 Which Established the North Carolina Small Business Council**	8/15/91

As title indicates

150	**North Carolina Human Service Transportation Council**	8/21/91

Establishes North Carolina Human Service Transportation Council composed of representatives from Departments of Transportation, Human Resources, Economic and Community Development to include all divisions which administer federal and state funds providing human service transportation at local levels. **Duties:** implement policies of Council, recommend plans to appropriate State agency, review components of

plans requesting funding, approve purchase of vehicles, advise and recommend Department of Transportation on human service transportation policy. **Effective** until July 1, 1993.

151 **Governor's Advisory Commission on Military Affairs** 9/11/91

Re-establishes Governor's Advisory Commission on Military Affairs of thirty members, fifteen appointed by Governor for two year terms and fifteen permanent members. Governor designates Chair. **Duties:** provide forum concerning military installations and retired personnel; formulate goals enhancing cooperation between military, communities, and government entities; strengthen defense-related business; study strengthening military presence in State; review military affairs legislation; advise Governor of activities to promote military installations within State. Staff provided by Department of Crime Control and Public Safety. **Effective** immediately.

152 **Establishing the Persian Gulf War Memorial Commission** 9/11/91

Establishes non-profit Persian Gulf War Memorial Commission consisting of: two Persian Gulf casualty relatives; base commanders of Fort Bragg, Camp LeJeune, U.S. Marine Corps Air Station at Cherry Point, Seymour Johnson Air Force Base, Pope Air Force Base, Coast Guard Station at Fort Macon, New River Air Station, Elizabeth City Coast Guard Station or designees; member of N.C. Veterans Council; member N.C. Veteran Affairs Commission; Adjutant General N.C. National Guard; Senior Commander U.S. Army Reserve from N.C.; Lieutenant Governor; Secretary Department of Administration; Secretary Department of Crime Control and Public Safety; Director U.S. Department of Veteran Affairs Regional Office. Governor appoints Chair. **Purpose:** develop plans for funding memorial, select site, design, and construction firm. **Administrative support:** Department of Administration Division of Veterans Affairs. **Effective** immediately.

153 **North Carolina 2000** 9/24/91

Establishes North Carolina 2000 Steering Committee serving at pleasure of Governor. **Purpose:** officially adopt and develop plans to achieve national education goals outlined by President Bush; strategy to challenge development of community action teams; develop state-wide dissemination of information; develop progress report through annual state-wide report; seek funding for "New American School" from U.S. Department of Education. **Administrative support:** Office of Governor. **Report:** semi-annually to Governor. **Effective** until June 30, 1993.

154 **Amending Executive Order Number 53, The Governor's Inter-Agency Advisory Team on Alcohol and Other Drug Abuse** 9/30/91

Amends Executive Order Number 53, as amended and extended by Executive Order Number 144. Adds a member from the North Carolina Commission on Indian Affairs. **Effective** immediately.

155 **Amending Executive Order Number 65, North Carolina State Defense Militia** 10/17/91

Amends Executive Order Number 65 by adding at the end of the fourth "WHEREAS" clause: "or when otherwise called upon by the Governor"; and at the end of Section 1: "and, when otherwise called upon by the Governor." **Effective** immediately.

156 **Establishing the North Carolina Committee on Literacy and Basic Skills and Rescinding Executive Order Number 90, Governor's Advisory Council on Literacy** 10/17/91

Establishes North Carolina Committee on Literacy and Basic Skills of thirteen members appointed and serving at pleasure of the Governor. **Terms:** July 1, 1991 to December 31, 1992. **Purpose:** Advise Governor, State Board of Community Colleges,

and other public policy and education leaders on basic skill issues and needs for adults; foster cooperation of public and private sectors to meet needs of higher basic skills in workplace; expand awareness of need for literacy. **Administrative support:** State Board and Department of Community Colleges. **Rescinds** Executive Order Number 90, Governor's Advisory Council on Literacy. **Effective** immediately.

157 **Waiving Certain Penalties Pursuant to Chapter 166A of the General Statutes of North Carolina** 11/8/91

Pursuant to G.S. 166A-4(3) and 166A-6(c)(3) the Governor, with concurrence of Council of State, may waive penalties under G.S. 20-88, 20-96 and 20-118 for exceeding weight limits of vehicles transporting unprocessed peanuts and unginned cotton to processing facilities. Penalties waived except where vehicles exceed maximum gross weight established by manufacturer or for cotton module trucks having tandem axle weights in excess of 44,000 pounds. **Effective** until February 1, 1992.

158 **Republishing and Amending Executive Order Number 137, EscrowingContributions to the Teachers' and State Employees' Retirement System** 12/17/91

Amends and republishes Executive Order Number 137, as amended by Executive Order Number 138 by adding "and the Consolidated Judicial Retirement System" after "Teachers' and State Employees' Retirement System," wherever it appears except in Section 2 where the words "4.49% of the compensation paid by the State to the Consolidated Judicial Retirement System" shall be inserted following said words. Adds the word "two" before "System" in fourth line of third paragraph and makes word "System" plural. Renumbers Section 3 as Section 4, puts period after "rescinded" and deletes rest of section. Adds new Section 3, as follows: Section 3. To the extent necessary after June 30, 1991, the office of State Budget and Management may make corrections to State contributions withheld in order to accurately account for funds managed in Section 2, hereof." **Effective** immediately.

159 **North Carolina Governor's Commission on Workforce Preparedness, Terminating Executive Order Number 107** 1/6/92

Establishes North Carolina Governor's Commission on Workforce Preparedness consisting of North Carolina Job and Training Council and North Carolina Advisory Council on Vocational and Applied Technology Education. Governor appoints from members Chairman, and Executive Board of not more than seven; Chair of Commission is Chair of Board. Commission and Board shall (by simple majority) establish bylaws; create Inter-Agency Coordinating Committee (ICC) of senior-level management from state departments that are vocational-, basic and remedial education-, employment-, and job training-related. ICC Chair appointed by Chair of Commission. **Purpose:** Advise Governor, General Assembly, State and public agencies, and private sector of recommended policies and programs coordinated within federal mandates; establish market-driven and customer-focused criteria to provide entry at any point into system; collect data to evaluate and track clients; and evaluate program outcome. **Report:** biennially to Governor and General Assembly to include goals, objectives, and recommended policy and funding changes for next biennium and evaluation of last biennium. **Terminates** Executive Order Number 107. **Effective** January 3, 1992.

December 30, 1991 (See page 11)

North Carolina General Assembly
Legislative Services Office
Legislative Office Building
300 N. Salisbury Street, Raleigh, N.C. 27603-5925

December 19, 1991

MEMORANDUM

TO: Members of the General Assembly
FROM: Representative Daniel T. Blue, Jr., Speaker
Senator Henson P. Barnes, President *Pro Tempore*
SUBJECT: Voting Rights Act

We attach for your information the letter from the Department of Justice objecting to our redistricting plans. We have asked the Governor to call an extra session of the General Assembly for Monday, December 30, 1991 at 10:00 a.m. to deal with the issue of postponing the filing period. You will be receiving more information about this session.

December 30, 1991 (See page 14)

NORTH CAROLINA
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

James G. Martin, *Governor*
Estell C. Lee, *Secretary*

Ernest C. Pearson, *Assistant Secretary*
Economic Development

October 24, 1991

The Honorable James C. Gardner
Lieutenant Governor
Office of the Lieutenant Governor
Raleigh, North Carolina 27603-8006

Dear Lt. Governor Gardner:

On October 15, 1991, Governor Martin executed a Sister State Agreement with the Province of Taiwan. This will foster even better economic ties with a partner that already is one of our leading trade partners.

In accordance with the wishes of the Province of Taiwan, I am transmitting herewith an original of this agreement to be retained in the permanent records of the Senate.

Please contact me if you have any questions.

Sincerely,
S/Ernest C. Pearson

Agreement for the Establishment
of a Sister State Relationship
between
The State of North Carolina of the United States of America
and
The Province of Taiwan of the Republic of China

Desiring to establish lasting and friendly relations between them, the State of North Carolina in the United States of America and the Province of Taiwan in the Republic of China, do hereby formally agree to enter into a Sister State relationship.

Upon the basis of Sino-American traditional friendship and cordial relations, the two sister entities will promote interchanges in various areas with the object of deepening mutual understanding and good-will. They will cooperate and work together to bring about mutual welfare and prosperity. The two Sister States are united in the firm belief that this affiliation will bind the people of the State of North Carolina and the people of the Province of Taiwan in everlasting bonds of friendship and, at the same time, will mark another milestone in the economic, trade, social and cultural developments of both the State of North Carolina and the Province of Taiwan.

In witness whereof, this Agreement is signed in Taipei, Republic of China on the fifteenth day of October, 1991.

State of North Carolina
United States of America

S/James G. Martin
Governor

S/Estell C. Lee
Witness

Province of Taiwan
Republic of China

S/Lien Chan
Governor

S/(Not Translated)
Witness

February 6, 1992 (See page 27)

The following letter was submitted to the Office of the Senate Principal Clerk from the Office of the President *Pro Tempore* on February 6, 1992, following adjournment:

(FEB - 6 - 92 THU 16:30 VA PILOT & LEDGER STAR P. 01)

Civil Rights Division

Office of the Assistant Attorney General Washington, D.C. 20035

February 6, 1992

Tiare B. Smiley, Esq.
Special Deputy Attorney General
P.O. Box 629
Raleigh, North Carolina 27602-0629

Dear Ms. Smiley:

This refers to Chapter 7, (1991 Extra Session), which provides for the redistricting of congressional districts and an increase from eleven to twelve congressional districts; Chapter 5 (1991 Extra Session), which provides for the redistricting and a change in the method of election from 42 single-member districts and 30 multimember districts to 81 single-member districts and 17 multimember districts for the North Carolina House of Representatives; and Chapter 4 (1991 Extra Session), which provides for the redistricting and a change in the method of election from 22 single-member districts and 28 multimember districts to 34 single-member districts and 8 multimember districts for the Senate for the State of North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received the House and Senate submissions on January 17, 1992; supplemental information was received on January 23, 24, 27, 28, and 30, 1992. We received the congressional submission on January 28; supplemental information was received on January 31.

The Attorney General does not interpose any objection to the specified changes contained in the three plans. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Sincerely,
S/John R. Dunne
Assistant Attorney General
Civil Rights Division

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OFFICERS AND MEMBERS
OF
THE SENATE OF NORTH CAROLINA

1991 GENERAL ASSEMBLY

SECOND SESSION 1992

JAMES C. GARDNER, President ..... Rocky Mount
HENSON P. BARNES, President *Pro Tempore* ..... Goldsboro
KENNETH C. ROYALL, JR., Deputy President *Pro Tempore* ..... Durham
SYLVIA M. FINK, Principal Clerk ..... Raleigh
LEROY CLARK, JR., Reading Clerk ..... Wendell
GERDA B. PLEASANTS, Sergeant-at-Arms ..... Cary

DISTRICT	NAME OF SENATOR	CITY of RESIDENCE
1	MARC BASNIGHT	Manteo
2	FRANK W. BALLANCE, JR.	Warrenton
3	BEVERLY M. PERDUE	New Bern
4	B. TOMMY POLLARD	Jacksonville
5	WENDELL HOLMES MURPHY	Rose Hill
6	R. L. MARTIN	Bethel
7	FRANKLIN L. BLOCK	Wilmington
8	HENSON P. BARNES	Goldsboro
9	ED N. WARREN	Greenville
10	ROY A. COOPER III	Rocky Mount
11	JAMES D. SPEED	Louisburg
12	JOSEPH B. RAYNOR	Fayetteville
	LURA S. TALLY	Fayetteville
13	KENNETH C. ROYALL, JR.	Durham
	RALPH A. HUNT	Durham
14	JOSEPH E. JOHNSON	Raleigh
	WILLIAM W. STATON	Sanford
	J. K. SHERRON, JR.	Raleigh
15	N. LEO DAUGHTRY	Smithfield
16	RUSSELL G. WALKER	Asheboro
	HOWARD N. LEE	Chapel Hill
17	J. RICHARD CONDER	Rockingham
	AARON W. PLYLER	Monroe
18	R. C. SOLES, JR.	Tabor City
19	ROBERT G. SHAW	Greensboro
20	MARVIN M. WARD	Winston-Salem
	I. T. KAPLAN	Lewisville
21	GEORGE B. DANIEL	Yanceyville
22	FLETCHER L. HARTSELL, JR.	Concord
23	PAUL S. SMITH	Salisbury
	BETSY L. COCHRANE	Advance
24	WILLIAM D. GOLDSTON, JR.	Eden
	A. P. SANDS III	Reidsville
25	JOHN CARTER	Lincolnton
	JAMES FORRESTER	Stanley
	HELEN RHYNE MARVIN	Gastonia
26	AUSTIN M. ALLRAN	Hickory
	HOWARD F. BRYAN	Statesville
27	DONALD R. KINCAID	Lenoir
	DANIEL R. SIMPSON	Morganton
28	HERBERT LEE HYDE	Asheville
	DENNIS J. WINNER	Asheville
29	CLARK PLEXICO	Hendersonville
	ROBERT C. CARPENTER	Franklin
30	DAVID RUSSELL PARNELL	Parkton
31	WILLIAM N. MARTIN	Greensboro
32	MARY P. SEYMOUR	Greensboro
33	JAMES F. RICHARDSON	Charlotte
34	T.L. ODOM	Charlotte
35	JOHN GERALD BLACKMON	Charlotte

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SPEED, James D.—Senator **Franklin,** Vance, Wake (part)—**11th District**
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JOURNAL

OF THE

SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

1991 SESSION

SECOND SESSION

1992

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Districts (See Appendix)

SENATE JOURNAL
SECOND SESSION 1992

ONE HUNDREDTH DAY

SENATE CHAMBER,
Tuesday, May 26, 1992.

The Senate meets at 12 M. pursuant to adjournment, as provided by Resolution 30, and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, we are grateful for the safe travels back to this place by these servants of our State. Be for them and for our staff, their Strength and their Calm, in the weeks ahead.

"We gather here today to begin again to grapple with a task that many families deal with on a monthly basis trying to stretch limited funds to address what seems to be unlimited needs.

"Give these here today the same creativity, the same ability to set priorities, and the same sensitivity and compassion that many moms and dads across our State exhibit when they make budget decisions for their families.

"For being a loving and fair Parent with us, Father, we give You thanks. Amen."

Led by the Lieutenant Governor, Members of the Senate, staff, and guests in the gallery remain standing and pledge allegiance to the United States of America.

Senator Barnes, President *Pro Tempore*, announces the Journal of Tuesday, July 16, 1991, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Martin of Pitt, who is attending a funeral; to Senator Plexico, who is on a fact-finding mission to the Middle East for the National Presbyterian Church; to Senator Sherron, who is undergoing post-operative tests; and to Senators Ballance and Richardson.

Senator Ballance is noted present for a portion of today's Session.

EXECUTIVE ORDERS

Executive Orders received following adjournment *sine die* of the Extra Session of the 1991 General Assembly (see Appendix) are presented to the Second Regular Session of the 1991 General Assembly and referred to committee, as follows:

Executive Order Number 160, Amendment to Executive Order Number 152, Persian Gulf War Memorial Commission.

Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee.**

Executive Order Number 161, Extension of Executive Orders 12, 13, 27, 29, 39, 55, 109, and 110, Retroactively Extending Various Established Boards and Commissions, as follows:

Deferred Compensation Plan, Board of Trustees;
Fund for Children and Families Commission;
State Health Coordinating Council;
Governor's Task Force on Racial, Religious, and Ethnic Violence and Intimidation;
Martin Luther King Holiday Commission;
Governor's Highway Safety Commission;
Sports Development Commission;
Governor's Advisory Council on International Trade; and
Travel and Tourism Advisory Committee.

Referred to **State Personnel and State Government Committee.**

Executive Order Number 162, Council on Health Policy Information.
Referred to **State Personnel and State Government Committee.**

Executive Order Number 163, Amendment of Executive Order Number 151, Governor's Advisory Commission on Military Affairs.
Referred to **State Personnel and State Government Committee.**

Executive Order Number 164, Extending the Provisions of Executive Order Number 114, as Supplemented by Executive Order Number 130 for Fiscal Year 1991-92, Budget Administration/Hiring Freeze.
Referred to **State Personnel and State Government Committee.**

Executive Order Number 165, Extension and Restructuring of Executive Order Number 43, North Carolina Emergency Response Commission.
Referred to **State Personnel and State Government Committee.**

Executive Order Number 166, Amendment to Executive Order Number 119, North Carolina Quality Leadership Awards Council.
Referred to **State Personnel and State Government Committee.**

The President directs the Reading Clerk to read the following letter:

THE UNIVERSITY OF NORTH CAROLINA
BOARD OF GOVERNORS

February 25, 1992

The Honorable James C. Gardner
Lieutenant Governor of North Carolina
Legislative Building
Raleigh, North Carolina 27611

The Honorable Daniel T. Blue, Jr.
Speaker of the House of Representatives
Legislative Building
Raleigh, North Carolina 27611

Gentlemen:

RE: Vacancy on the Board of Governors of the University of North Carolina - Seat Formerly Held by Walter Royal Davis

Under the provisions of G.S. 116-7 the Board of Governors is required to inform you when any vacancy occurs in its membership.

The board regrets to inform you that the seat on the Board of Governors previously held by Walter Royal Davis is vacant.

In September 1991, Mr. Davis expressed his intention to resign from the Board of Governors and, subsequently, the seat was deemed vacant under the provisions of G.S. 116-7, effective February 14, 1992. Mr. Davis was elected to an at-large seat by the Senate with a four-year term extending through June 30, 1993.

Mr. Davis served on the Board of Governors from 1981 until February 14, 1992, when his seat was deemed vacant. His colleagues appreciate the time, effort, and energy that he gave in his service on the board and will miss his insight as well as his leadership.

Sincerely,
S/Charles Z. Flack, Jr.
Secretary
Board of Governors

Referred to **Higher Education Committee.**

RESOLUTIONS FROM OTHER STATES

The following joint resolution is received from another legislative body, presented to the Senate, read, and ordered placed on file in the Office of the Principal Clerk:

Wisconsin 1991 Assembly Joint Resolution 27 for the purpose of requesting appropriate action by the congress to propose an amendment to the U. S. constitution prohibiting the physical desecration of the flag of the United States. (The text of this joint resolution appears in the Addendum.)

REPORTS TO GENERAL ASSEMBLY

The Chair orders the Reading Clerk to read reports from Boards, Commissions, and Agencies directed to report to the 1991 Second Regular Session of General Assembly, received in the Office of the Principal Clerk, and without objection, orders the reports placed on file in the Legislative library. (See Addendum)

Senator Conder rises to a point of personal privilege and announces to the members of the Senate the award of an Honorary Doctoral Degree bestowed on Senator Plyler by Wingate College in Wingate, North Carolina. The Senate warmly responds to the honor with an ovation.

On motion of Senator Barnes, seconded by Senator Cochrane, the Senate adjourns at 12:30 P.M. to meet tomorrow, May 27, at 1:30 P.M.

ONE HUNDRED FIRST DAY

SENATE CHAMBER,
Wednesday, May 27, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, we hear so much today about the benefits of exercise and a proper diet. We are told, and we believe, that a well-nourished and fit physical body, will serve us well as we meet the challenges before us. Remind us then, that this truth applies equally to our spirits. What food is to the body, so is prayer and reflection to our souls. As exercise is to the body, so is the application of the values and beliefs we hold dear in our hearts to the problems of daily living.

"Help each one of us, Father—Senator, staff member, reporter, page, and citizen, to nourish and exercise our beliefs and our values, which are the arms and legs of our souls. But first of all, help us to look to You, for direction in determining what those beliefs and values will be. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, May 26, 1992, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Without objection, the President grants a leave of absence for today to Senator Ballance, Senator Plexico, and Senator Sherron.

The President grants courtesies of the floor to Connie Lynn Chandler, North Carolina State Poster Child for the Muscular Dystrophy Association. The Chair directs Senator Smith to escort Miss Chandler to the Well of the Senate where she is greeted by Senator Barnes, President *Pro Tempore*. Members of the Senate warmly respond to Miss Chandler with a standing ovation.

Senator Conder rises to a point of personal privilege and announces to the members of the Senate the award of an Honorary Doctoral Degree bestowed on Senator William N. Martin of Guilford County by North Carolina Agricultural and Technical State University. The Senate warmly responds to the honor with an ovation.

The President recognizes the following pages serving in the Senate this week: Ellen B. Carter, Raleigh; Cara Miranda Cope, Timberlake; Elizabeth Monroe DePrater, Fayetteville; Mary Loranne Elder, Banner Elk; Brandy Jean Faulkner, Concord; Tonya Kay Hales, Stedman; Alison A. Hancock, Hamlet; Danna Leigh Herring, Kenansville; Michael Duke Ipock, Rocky Mount; David L. Ivey, Charlotte; Heather Lee Jackson, Stedman; Betty Blair Jarvis, Hatteras; Olivia C. Laney, High Point; Matthew Lee, Tarboro; Amy Melissa McLamb, Goldsboro; Jane I. Mitchell, High Point; Amanda Parrott, New Port; Anna A. Robinson, Durham; Bardin Simmons, Tarboro; Tammy B. Smith, Goldsboro; Heather Lynn Weatherly, Rockingham; and Jason Wright, Raleigh.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Daughtry:

S.B. 967, a bill to revise and consolidate the Charter of the Town of Selma.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Perdue:

S.B. 968, a bill to set a referendum on possible changes in the electoral system for the Town of Oriental.

Referred to **Election Laws Committee.**

By Senators Carpenter, Ward, Winner, Hyde, Forrester, Carter, Allran, Hartsell, and Daniel:

S.B. 969, a bill to exempt from sales and use taxes food that is acquired at wholesale and then donated to a nonprofit organization.

Referred to **Finance Committee.**

By Senators Perdue and Conder:

S.R. 970, a Senate simple resolution to establish the procedure for nominating and electing one member to fill the vacancy on the Board of Governors of the University of North Carolina.

Referred to **Higher Education Committee.**

By Senators Lee, Daughtry, and Block:

S.B. 971, a bill to transfer railroad supervision and railroad safety supervision from the North Carolina Utilities Commission to the Department of Transportation and to appropriate funds to support the transfer.

Referred to **Public Utilities Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to **Appropriations Committee.**

By Senators Lee, Daughtry, Winner, and Block:

S.B. 972, a bill to permit public transportation authorities and regional public transportation authorities to receive annual sales tax refunds.

Referred to **Finance Committee.**

By Senators Lee, Daughtry, Winner, and Block:

S.B. 973, a bill to direct the Department of Administration to study and recommend methods for encouraging State employees to use public transit in commuting to work.

Referred to **State Personnel and State Government Committee.**

By Senators Lee, Daughtry, Winner, and Block:

S.B. 974, a bill to allow cities and counties to use property taxes to support public transportation without calling a referendum.

Referred to **Finance Committee.**

By Senators Perdue, Cooper, Conder, Smith, Daniel, and Warren:

S.B. 975, a bill to provide management flexibility to local boards of education and to individual schools regarding the operation of the public schools and expenditures for the public schools.

Referred to **Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Winner and Carpenter:

S.B. 976, a bill to provide that owners of certain historic motor vehicles and handicapped individuals who had obtained permanent special license plates before October 1, 1991, are not required to pay annual motor vehicle registration fees.

Referred to **Finance Committee.**

By Senator Winner:

S.B. 977, a bill to make appointments to public office upon the recommendation of the President *Pro Tempore* of the Senate and to correct an appointment.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, Sands, and Daniel:

S.B. 978, a bill to repeal the Statute of Repose for the collection of death benefits under the Workers Compensation Act and to allow an action against an employer for the removal of machinery guards that results in injury to the employee.

Referred to **Judiciary II Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, Sands, and Hartsell:
S.B. 979, a bill to appropriate funds to the Department of Labor for the employment of safety and health inspectors and related support staff.
Referred to **Appropriations Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, and Sands:
S.B. 980, a bill to permit the Commissioner of Labor to impose penalties against public agencies for OSHA violations.
Referred to **Judiciary II Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, Sands, and Daniel:
S.J.R. 981, a joint resolution urging the Congress of the United States to require federal agencies responsible for inspecting work places to share information with state agencies responsible for the enforcement of state and federal occupational safety and health laws.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, and Sands:
S.B. 982, a bill to require employers to report at least annually on fatalities and serious injuries in the workplace, to require the reporting of certain safety data to the Commissioner of Labor by various agencies, and to ensure, where appropriate, the confidentiality of data released to the Commissioner.
Referred to **Judiciary II Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, and Sands:
S.B. 983, a bill to establish a workplace requirements program for the safety and health of all State employees.
Referred to **Manufacturing and Labor Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, and Sands:
S.B. 984, a bill to establish an inter-agency task force to study the reorganization of State agencies involved with occupational safety and health and fire safety responsibilities and to report to the LRC Committee on Fire and Occupational Safety at Industrial and Commercial Facilities by October 1, 1992.
Referred to **Manufacturing and Labor Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, Sands, and Daniel:
S.B. 985, a bill to require certain employers to establish safety and health programs and safety and health committees in the workplace.
Referred to **Judiciary II Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, and Sands:
S.B. 986, a bill to create a special emphasis program to target OSHA inspections.
Referred to **Judiciary II Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, and Sands:
S.B. 987, a bill to clarify the enforcement of the building code by a municipality in its extraterritorial jurisdiction and to provide for appointments to the Building Code Council.
Referred to **Manufacturing and Labor Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, Sands, and Daniel:
S.B. 988, a bill to establish a Safety and Health Fund to fund the operation of certain State safety-related programs.
Referred to **Appropriations Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, and Sands:
S.B. 989, a bill to protect employees from retaliatory discrimination in employment for engaging in protected activities.
Referred to **Judiciary II Committee.**

By Senators Plyler and Conder:
S.J.R. 990, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to extend the grandfather clause application deadline to October 31, 1992.
Referred to **Rules and Operation of the Senate Committee.**

Senator Barnes offers a motion prior to the first reading of the following bill, that the measure be held in the Office of the Principal Clerk pending ratification of **S.J.R. 990**, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to extend the grandfather clause application deadline to October 31, 1992, which motion prevails.

By Senators Plyler and Conder:
S.B. 991, a bill to extend the grandfather clause application deadline to October 31, 1992.
The bill is ordered held in the Office of the Principal Clerk.

By Senators Staton, Carpenter, Conder, Plyler, Forrester, and Daniel:
S.B. 992, a bill to permit a trust company to be acquired by a bank holding company.
Referred to **Banks and Thrift Institutions Committee.**

By Senators Staton, Carpenter, Conder, Plyler, and Forrester:
S.B. 993, a bill to make amendments to the Refund Anticipation Loan Act.
Referred to **Banks and Thrift Institutions Committee.**

By Senators Staton, Carpenter, Conder, Plyler, and Forrester:
S.B. 994, a bill to permit investment of trust assets in mutual funds advised by a corporate trustee.
Referred to **Banks and Thrift Institutions Committee.**

By Senators Staton, Carpenter, Conder, Plyler, Forrester, and Bryan:
S.B. 995, a bill to allow banks and savings associations to merge or consolidate and to transfer assets and liabilities to one another.
Referred to **Banks and Thrift Institutions Committee.**

By Senators Staton, Carpenter, Conder, Plyler, Forrester, and Bryan:
S.B. 996, a bill to eliminate the faithful performance coverage requirements for credit unions.
Referred to **Banks and Thrift Institutions Committee.**

By Senators Staton, Carpenter, Conder, Plyler, and Forrester:
S.B. 997, a bill to make omnibus and technical changes to the savings institutions laws.
Referred to **Banks and Thrift Institutions Committee.**

By Senators Staton, Johnson, Sherron, and Forrester:
S.B. 998, a bill to create the Sanford-Lee County Regional Airport Authority.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Cochrane and Carpenter:
S.B. 999, a bill to amend the Medicare Supplement Insurance Statutes as required by federal law.
Referred to **Insurance Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, Sands, and Daniel:
S.B. 1000, a bill to require State construction site safety study and the designation of safety officers on State construction sites and to require minority and women representation on the State Building Commission.
Referred to **Manufacturing and Labor Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plyler, Conder, Martin of Guilford, Smith, Sands, and Daniel:

S.B. 1001, a bill to appropriate funds for the construction of a hazardous waste facility at North Carolina State University.

Referred to **Appropriations Committee.**

WITHDRAWAL FROM COMMITTEE

S.J.R. 981, a joint resolution urging the Congress of the United States to require federal agencies responsible for inspecting work places to share information with state agencies responsible for the enforcement of state and federal occupational safety and health laws, referred earlier today to the **Rules and Operation of the Senate Committee.**

Senator Barnes offers a motion that the rules be suspended and the joint resolution be taken from the **Rules and Operation of the Senate Committee** and held in the Office of the Principal Clerk, which motion prevails.

The Chair orders the joint resolution returned to and held in the Office of the Principal Clerk.

REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports, as follows:

Pursuant to Section 4.4 of Chapter 754 of the 1991 Session Laws, the Study Commission on the State Personnel System submits its Interim Report on the State Personnel System.

Pursuant to Section 20 of Chapter 1074 of the 1989 Session Laws, the Veteran's Home Study Commission submits its Final Report on the Feasibility of Establishing a State Veteran's Home in the State of North Carolina.

Pursuant to G.S. 143B-426.21(b)(3), the North Carolina Office of the State Controller submits the Annual Information Processing Report and Plan, prepared by the Information Technology Commission.

Pursuant to Article 21 of Chapter 120 of the General Statutes and Chapter 745 of the 1991 Session Laws, the North Carolina Study Commission on Aging submits an interim review on the need for expanding the membership of the Nursing Home/Rest Home Penalty Review Committee established under G.S. 131D-3L.

The Senate accepts the Reports, which are ordered placed on file in the Legislative Library. (See Addendum)

On motion of Senator Barnes, seconded by Senator Blackmon, the Senate adjourns at 2:05 P.M. to meet tomorrow, May 28, at 1:30 P.M.

ONE HUNDRED SECOND DAY

SENATE CHAMBER,
Thursday, May 28, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Steve W. Lucas, Senate Chaplain, as follows:

"Father, someone once said, 'A person is no fool to give up what they cannot keep in order to gain what they cannot afford to lose.'

"Another asked the question, 'What does it profit a person, if they gain the whole world...' be that world financial, professional, or even political, '...and lose their own soul?'

"May we always remember, Father, the very temporary nature of our lives here, and may we cultivate, while we are here, the only thing that really lasts—our relationships with each other that are built on trust and understanding. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, May 27, 1992, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Sherron and Senator Ballance.

RESIGNATION OF CHAPLAIN

Senator Barnes rises to a point of personal privilege and announces the resignation of the Reverend Steve W. Lucas as Chaplain of the Senate effective May 31, 1992, and submits the letter of resignation.

The Chair directs the Reading Clerk to read:

NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT *PRO TEMPORE*
SENATE
RALEIGH 27611

May 14, 1992

The Honorable Henson P. Barnes
Office of the President *Pro Tempore*
2017 State Legislative Building
Raleigh, NC 27603-2808

Dear Senator Barnes:

I hereby submit to you my resignation as your Executive Assistant, effective May 31, 1992.

I also submit my resignation as Chaplain of the North Carolina Senate, also effective May 31, 1992.

I appreciate the opportunity to serve both you, the North Carolina Senate and the people of North Carolina in this dual capacity for the last three years. The time spent working with you has been most enjoyable and certainly educational.

In particular, I deeply appreciate the opportunity to serve this Senate as their Chaplain. It has meant a great deal to me to be entrusted with the spiritual nurturing of this Body. If the truth be known, I feel that each of you has given to me much more than I have given you.

This group in this chamber, members and staff alike, is a family, bound together by a common goal. That goal is determining what is best for the people of our state. You are

also bound together by a deep respect for each other, even when you disagree. I admire each of you for the dedication you have shown to an almost impossible task, namely, taking a leadership role on very controversial and complex issues.

Family members often leave home and move on to other journeys and tasks. And so, as I leave this family, I do so with much sadness, with fond memories, and with friendships that, I believe, will last a lifetime. Thank you for allowing me to be a part of you.

Sincerely,
S/Steve W. Lucas
Chaplain

Senator Barnes offers a motion courtesies of the floor be extended to Mr. Lucas, which motion prevails. The Chair directs Mr. Lucas to the Well of the Senate where he briefly addresses the membership with farewell remarks.

Senator Winner offers a motion the remarks of Mr. Lucas be spread upon the Journal which motion prevails with unanimous consent. The remarks of Mr. Lucas are as follows:

Reverend Steve Lucas:
"You wanted to get me up here one time when I was not prepared. Right? Okay. This is a surprise. I do feel deeply honored to have been a part of you. It has meant a lot to me to work within this process with you, both as Senator Barnes' Assistant but also as your Chaplain. Because I feel that having been here with you, I understand the pressures and the toughness of this job that you all have. For somebody of my age, my background to be able to come and to share my thoughts with you on a daily basis has been a deep honor and a deep privilege, one that I will never forget. I am very grateful to each one of you for allowing me to do that. Thank you."

The Senate stands at ease as Members of the Senate greet and extend their appreciation to Mr. Lucas as he assumes his responsibilities with the Baptist Theological Seminary in Richmond, Virginia.

AT EASE

The Senate is called to order by the President of the Senate for the consideration of further business.

REPORT OF THE GENERAL ASSEMBLY

Senator Warren for the following Committee directed to report to the General Assembly submits a report (see Addendum) which is accepted and ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 120-70.80 and Chapter 754, Sec. 2.1(53) of the 1991 Session Laws, the Joint Legislative Education Oversight Committee submits its Report to the 1991 General Assembly, 1992 Session, which includes the issue of Public School Administrator Training.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Conder for the **Education Committee**:

S.B. 975, a bill to provide management flexibility to local boards of education and to individual schools regarding the operation of the public schools and expenditures for the public schools, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

On motion of Senator Barnes, the rules are suspended and the bill, as amended, is re-referred to the **Appropriations Committee** without engrossment.

Without objection, on motion of Senator Barnes, the Senate recesses at 2:10 P.M. for the purpose of a committee meeting to reconvene at 2:25 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

RE-REFERRALS

H.B. 47 (Committee Substitute), a bill supporting the efforts of teachers to control their classes and requiring parents to assist in discipling their children at school, referred to the **Rules and Operation of the Senate Committee** on May 23, 1991.

Senator Winner offers a motion that the rules be suspended and the Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Education Committee**, which motion prevails.

The Chair orders the Committee Substitute bill re-referred to the **Education Committee**.

H.B. 230 (Committee Substitute), a bill relating to the terms of employment of adult part-time public school employees, referred to the **Rules and Operation of the Senate Committee** on May 23, 1991.

Senator Winner offers a motion that the rules be suspended and the Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **State Personnel and State Government Committee**, which motion prevails.

The Chair orders the Committee Substitute bill re-referred to the **State Personnel and State Government Committee**.

H.B. 357, a bill to specify the powers of the Board of Medical Examiners regarding real property, referred to the **Rules and Operation of the Senate Committee** on June 5, 1991.

Senator Winner offers a motion that the rules be suspended and the bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **State Personnel and State Government Committee**, which motion prevails.

The Chair orders the bill re-referred to the **State Personnel and State Government Committee**.

H.B. 628 (Committee Substitute), a bill to limit the number of hours that youths enrolled in school are allowed to work, referred to the **Rules and Operation of the Senate Committee** on June 6, 1991.

Senator Winner offers a motion that the rules be suspended and the Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Manufacturing and Labor Committee**, which motion prevails.

The Chair orders the Committee Substitute bill re-referred to the **Manufacturing and Labor Committee.**

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Basnight for the **Appropriations Committee:**

S.B. 975, a bill to provide management flexibility to local boards of education and to individual schools regarding the operation of the public schools and expenditures for the public schools, as amended by the **Education Committee**, with a favorable report.

The President *Pro Tempore* relinquishes the gavel to the President of the Senate, Lieutenant Governor Gardner, who presides.

On motion of Senator Basnight, the rules are suspended and the bill, as amended, is placed before the Senate for immediate consideration upon its passage.

The bill, as amended, passes its second (41-2) and third readings and is ordered engrossed and sent to the House of Representatives.

Without objection, on motion of Senator Barnes the introduction of bills and resolutions is placed at the end of today's Calendar, immediately preceding the motion to adjourn.

EXECUTIVE ORDER

Executive Orders received (See Appendix) are presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 167, Amending Executive Order Number 167, establishing the Persian Gulf War Memorial Commission, and Establishing the Persian Gulf War Memorial Advisory Committee.

Referred to **Veteran and Military Affairs, Law Enforcement,** and **Senior Citizens Committee.**

REPORT TO GENERAL ASSEMBLY

A Commission directed to report to the General Assembly submits a report (See Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Part XVII of Chapter 754 of the 1991 Session Laws, Senate Bill 917, the Birth-related Neurological Impairment Study Commission submits its Report to the 1991 General Assembly (1992 Session).

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Block:

S.B. 1002, a bill to direct the Department of Human Resources to operate the Lower Cape Fear Juvenile Services Center in New Hanover County and to appropriate funds for the operation of the facility.

Referred to **Appropriations Committee.**

By Senator Block:
S.B. 1003, a bill to provide that contractors' inventories will be entitled to the same property tax exemption as manufacturers', retailers', and wholesalers' inventories.
Referred to **Finance Committee.**

By Senators Block, Hunt, Johnson, and Pollard:
S.B. 1004, a bill to provide for improvements in the operations of the FAIR and Beach Plans.
Referred to **Insurance Committee.**

By Senators Royall, Daniel, Ward, Walker, Murphy, and Basnight:
S.B. 1005, a bill to appropriate funds for a permanent camp and conference center for autistic children and adults.
Referred to **Appropriations Committee.**

By Senators Royall, Daniel, Ward, Walker, Murphy, and Basnight:
S.B. 1006, a bill to appropriate funds for the summer camp program for autistic children and adults.
Referred to **Appropriations Committee.**

By Senator Winner:
S.B. 1007, a bill to provide that if a person conducts business at a trade show or flea market, the trade show or flea market is not considered the person's business location for the purpose of the privilege license tax.
Referred to **Finance Committee.**

By Senators Seymour, Parnell, Marvin, and Martin of Guilford:
S.B. 1008, a bill to appropriate funds for the program at Summit House.
Referred to **Appropriations Committee.**

By Senators Winner, Carter, Plexico, Seymour, and Staton:
S.B. 1009, a bill making technical and administrative changes to the license and excise tax laws.
Referred to **Finance Committee.**

By Senators Winner, Carter, Plexico, Seymour, and Staton:
S.B. 1010, a bill to authorize the Department of Revenue to allow or require payment of taxes by electronic funds transfer and to appropriate funds for automation necessary to implement the Electronic Funds Transfer Program.
Referred to **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Winner, Carter, Plexico, Seymour, and Staton:
S.B. 1011, a bill making technical and other changes to the fuel tax laws.
Referred to **Finance Committee.**

By Senators Winner, Carter, Plexico, Seymour, and Staton:
S.B. 1012, a bill to reinstate two sales tax provisions that were inadvertently deleted in prior legislation.
Referred to **Finance Committee.**

By Senators Winner, Carter, Plexico, Seymour, and Staton:
S.B. 1013, a bill to ensure that the amount of a bond filed as a condition of appealing a tax decision to court is adequate to cover any liability determined on appeal.
Referred to **Finance Committee.**

By Senators Winner, Carter, Plexico, Seymour, and Staton:
S.B. 1014, a bill to revise the category of special mobile equipment, to establish a uniform registration fee for special mobile equipment to tow certain vehicles, and to

make mobile classrooms and mobile offices subject to sales tax rather than highway use tax.

Referred to **Finance Committee.**

By Senators Winner, Carter, Plexico, Seymour, and Staton:

S.B. 1015, a bill to relieve a seller who sells property under a certificate of resale of the burden of proving that the sale was for resale and to provide a penalty for a purchaser who misuses a certificate of resale.

Referred to **Finance Committee.**

By Senators Winner, Carter, Plexico, Seymour, and Staton:

S.B. 1016, a bill to convert the security dealer privilege license tax from a tax based on the number of offices from which securities are sold to a tax on each individual who sells securities, thereby treating sellers of securities the same as other professionals.

Referred to **Finance Committee.**

By Senators Martin of Pitt and Warren:

S.B. 1017, a bill to appropriate funds to the Department of Agriculture for planning an equine facility in eastern North Carolina.

Referred to **Appropriations Committee.**

By Senators Sands and Goldston:

S.B. 1018, a bill to authorize Ashe County to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Sands and Goldston:

S.B. 1019, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Martin of Guilford, Conder, Lee, Hunt, Warren, Marvin, and Ward:

S.B. 1020, a bill to establish the Legislative Study Commission on Students Placed at Risk of Failure and to appropriate funds for its implementation.

Referred to **Appropriations Committee.**

By Senators Marvin, Daniel, Seymour, Perdue, Tally and Basnight:

S.B. 1021, a bill to appropriate funds to provide mammogram screenings for women who are eligible for Medicaid.

Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1022, a bill to appropriate funds for the Department of Agriculture for the construction of a southeastern shipping point market.

Referred to **Appropriations Committee.**

By Senator Parnell:

S.B. 1023, a bill to change the maintenance of effort provision for the public schools of Robeson County.

Referred to **Education Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Warren, Allran, Block, Lee, Sands, Speed, and Staton:

S.B. 1024, a bill to create an Educational Leadership Task Force to identify how to best select, train, evaluate, assess, and regulate the State's educational leaders.

Referred to **Education Committee.**

By Senators Warren, Allran, Block, Kincaid, Lee, Sands, Speed, and Staton:
S.B. 1025, a bill to ensure that sufficient funds are available to provide textbooks to public school students.
Referred to **Education Committee.**

By Senators Warren, Allran, Block, Kincaid, Lee, Sands, Speed, and Staton:
S.B. 1026, a bill to increase the number of members of the Board of Trustees of the School of Science and Math to conform to the number of congressional districts which resulted from the 1990 census.
Referred to **Higher Education Committee.**

By Senators Warren, Allran, Block, Kincaid, Lee, Sands, Speed, and Staton:
S.B. 1027, a bill to reconvene a Teacher Training Task Force to study the progress made toward implementing the thirty-nine objectives of the original Task Force and to make recommendations to continue to improve the professional development of teachers.
Referred to **Appropriations Committee.**

By Senators Warren, Allran, Block, Kincaid, Lee, Sands, Speed, and Staton:
S.B. 1028, a bill to require the Board of Governors of the University of North Carolina, the State Board of Community Colleges, the State Board of Education, and the State's private institutions of higher education to cooperate in an exchange of information.
Referred to **Higher Education Committee.**

By Senators Cochrane and Smith:
S.B. 1029, a bill to appropriate funds to the Rowan-Salisbury School District for the Career Development Program.
Referred to **Appropriations Committee.**

By Senators Ward and Walker:
S.B. 1030, a bill to appropriate funds for the North Carolina Environmental Research and Policy Center.
Referred to **Appropriations Committee.**

By Senators Lee and Walker:
S.B. 1031, a bill to incorporate Woodlake Village in Moore County, subject to a referendum.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Sands and Marvin:
S.B. 1032, a bill to prohibit discrimination against any person for engaging in any lawful activity during nonworking hours unrelated to employment.
Referred to **Judiciary II Committee.**

By Senators Odom, Hartsell, and Blackmon:
S.B. 1033, a bill to permit the City of Charlotte to install traffic signs and other traffic control devices on its municipal street system streets when conditions require traffic control standards that are more stringent than those contained in the uniform manual.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Speed:
S.J.R. 1034, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Johnson, Sherron, and Simpson:
S.B. 1035, a bill to establish a comprehensive compensation system for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this comprehensive compensation system.
Referred to **State Personnel and State Government Committee.**

By Senators Johnson and Sherron:
S.B. 1036, a bill to repeal the decentralization of the classification and salary administration functions from the office of State personnel to all State departments with more than five hundred permanent full-time employees.
Referred to **State Personnel and State Government Committee.**

On motion of Senator Barnes, seconded by Senator Carpenter, the Senate adjourns at 3:15 P.M. to meet Monday, June 1, at 7:30 P.M.

ONE HUNDRED THIRD DAY

SENATE CHAMBER,
Monday, June 1, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Associate Pastor of First Baptist Church, Raleigh, as follows:

"Eternal God and Father of all humankind, we learned at a very young age from people who were supposed to know such things that in important decisions or contests, winning, even losing was better than compromise. They said tying was like having to kiss one's sister or brother. But as we have matured and gained a little wisdom, we've discovered that embracing one's sister or brother is not disgusting at all; it is empowering. Having learned that, we have begun to discover what Your Love is about. We have even redefined winning, losing, and compromise. There will be days for all three in this Chamber. Give the Senators wisdom this week in their deliberations and in their defining of those terms. For what they do here impacts brothers and sisters from all over our State.
"Thank You for guidance in their leadership, to that end. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Thursday, May 28, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence to Senator Hartsell, who is attending a Cabarrus County Commissioner's office meeting; to Senator Carter, who has a business commitment; to Senator Sherron and Senator Staton.
Senator Carter is noted present for a portion of tonight's session.

APPOINTMENT OF SENATE CHAPLAIN

The Chair recognizes Senator Barnes, President *Pro Tempore*, who rises to make an announcement.
Senator Barnes recognizes the Reverend Mike Morris, Associate Pastor of First Baptist Church, Raleigh, and announces his appointment as Senate Chaplain effective June 1, 1992, for the 1991 Session of the General Assembly, Second Session 1992.

APPOINTMENTS BY THE GOVERNOR

The President directs the Reading Clerk to read:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

May 26, 1992

The Honorable James C. Gardner
Lieutenant Governor
State Capitol
Raleigh, North Carolina 27611

Dear Governor Gardner:

Pursuant to North Carolina General Statute 135-6, I hereby appoint the persons listed below to the Board of Trustees of the Teachers' and State Employees' Retirement System, subject to confirmation by the State Senate.

James M. Cooper - Cumberland County
Public Member

James R. Hawkins - Durham County
Public Member

W. Eugene McCombs - Rowan County
Public Member

Clyde R. Cook, Jr. - Wake County
Employee of the Department of Transportation

The terms of office for Messrs. Cooper, Hawkins, and McCombs, who are being reappointed, will begin immediately and will expire April 1, 1996. Mr. Cook will replace Kevin Brown who has resigned, and his term will begin immediately and will expire April 4, 1995.

Please feel free to contact these individuals should you need any additional information, or to inform them of any committee meetings that they would need to attend.

I hereby submit the above named individuals for confirmation by the Senate.

Sincerely,
S/James G. Martin
Governor

Referred to **State Personnel and State Government Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time and disposed of as follows:

By Senators Block, Carpenter, and Seymour:
S.B. 1037, a bill to increase the retirement formulas and to provide adjusting increases to retirees of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System.
Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Walker and Plyler:

S.B. 1038, a bill to appropriate funds to establish reimbursement rates for domiciliary care facilities to compensate for mandated costs, for the certified mean average deficit of monthly bed costs, and for the North Carolina service wage increase.

Referred to **Appropriations Committee.**

By Senators Walker, Plyler, and Seymour:

S.B. 1039, a bill to appropriate funds to implement the most urgent of the recommendations of the North Carolina Child Fatality Task Force.

Referred to **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1040, a bill to modify the maximum tax limit for the Town of Badin and change the method of calculating limits on increases.

Referred to **Finance Committee.**

By Senators Plyler, Conder, and Walker:

S.J.R. 1041, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to adopt the Venus's-flytrap as the Official Plant of North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

Senator Plyler offers a motion prior to the first reading of the following bill, that the measure be held in the Office of the Senate Principal Clerk pending ratification of **S.J.R. 1041**, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to adopt the Venus's-flytrap as the Official Plant of North Carolina, which motion prevails.

By Senators Plyler, Conder, and Walker:

S.B. 1042, a bill to adopt the Venus's-flytrap as the Official Plant of North Carolina.

The bill is ordered held in the Office of the Senate Principal Clerk.

By Senators Cochrane and Carpenter:

S.B. 1043, a bill to include Magistrates' prior service for twenty years as certain law enforcement officers in determination of salary.

Referred to **Appropriations Committee.**

By Senators Seymour, Hyde, Smith, and Basnight:

S.B. 1044, a bill to provide for gavel-to-gavel television coverage of the General Assembly and for other improvements to the public telecommunications systems of the State as recommended by the open government through Public Telecommunications Study Commission.

Referred to **Rules and Operation of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Block:

S.B. 1045, a bill to provide that future elections for the office of Mayor of Burgaw shall be for four-year terms.

Referred to **Election Laws Committee.**

By Senator Cooper:

S.B. 1046, a bill to permit the County of Nash to rename county public and private roads.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Marvin, Walker, Speed, Royall, Tally, Ward, Basnight, and Seymour:

S.B. 1047, a bill to appropriate funds to the Department of Environment, Health, and Natural Resources to meet the requirements of Public Law 99-457, the Individuals with Disabilities Education Act.

Referred to **Appropriations Committee.**

By Senators Richardson, Hartsell, Odom, and Blackmon:
S.B. 1048, a bill to rewrite the law regarding the Charlotte Firefighters' Retirement System.
Referred to **Pensions and Retirement Committee.**

By Senators Richardson, Hartsell, Odom, and Blackmon:
S.B. 1049, a bill to change the pay date for certain employees of the Charlotte/Mecklenburg schools.
Referred to **Education Committee.**

By Senators Richardson and Walker:
S.B. 1050, a bill to amend the definition of "day care" to exclude drop-in care and to require the Department of Human Resources to study how to ensure the health and safety of children in drop-in care.
Referred to **Human Resources Committee.**

By Senators Royall, Carpenter, Seymour, and Hunt:
S.J.R. 1051, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring Duke University on winning its second straight NCAA Division I Men's Basketball Championship.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Block:
S.B. 1052, a bill concerning the consent of New Hanover and Pender Counties with regard to certain land acquisitions in those Counties.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Sands and Goldston:
S.B. 1053, a bill to cancel the school board elections for the Eden City, Western Rockingham City, and Rockingham County School Boards scheduled for November 1992 and to extend terms on those Boards expiring December 1992 to June 30, 1993.
Referred to **Education Committee.**

By Senators Odom, Hartsell, Blackmon, and Richardson:
S.B. 1054, a bill to bring Mecklenburg County's Fair Housing Act into compliance with the Federal Fair Housing Act.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Royall, Basnight, Daniel, Richardson, Walker, Bryan, Carpenter, Cooper, Lee, Martin of Guilford, Martin of Pitt, Marvin, Murphy, Perdue, Plyler, Tally, Ward, Conder, and Seymour:
S.B. 1055, a bill to appropriate funds for Mental Health Study Commission and Coalition 2001 plans for mental health, developmental disabilities, and substance abuse services in North Carolina.
Referred to **Appropriations Committee.**

By Senators Perdue, Conder, and Shaw:
S.B. 1056, a bill to appropriate funds to the Board of Governors of the University of North Carolina for the Seafood Laboratory Program at North Carolina State University.
Referred to **Appropriations Committee.**

By Senators Perdue, Conder, and Shaw:
S.B. 1057, a bill to appropriate funds for a Shellfish Enhancement Program.
Referred to **Appropriations Committee.**

By Senators Perdue and Shaw:
S.B. 1058, a bill to amend the General Statutes relating to shellfish leases.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senator Warren:
S.B. 1059, a bill to appropriate funds for the North Carolina 4-H Development Fund, at North Carolina State University for the North Carolina 4-H Programs.
Referred to **Appropriations Committee.**

By Senator Warren:
S.B. 1060, a bill to appropriate funds for the North Carolina 4-H Program.
Referred to **Appropriations Committee.**

By Senators Tally and Raynor:
S.B. 1061, a bill to authorize Bladen, Cumberland, and Hoke Counties to enter into long-term contracts for disposal of solid waste.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Speed, Soles, Parnell, Marvin, Plyler, Martin of Pitt, Warren, Shaw, Lee, Walker, Sands, Perdue, Conder, Daniel, Martin of Guilford, Daughtry, Richardson, Carpenter, and Bryan:
S.B. 1062, a bill to limit the liability of farmers who allow gleaning.
Referred to **Agriculture, Marine Resources and Wildlife Committee** and upon a favorable report, re-referred to the **Judiciary I Committee.**

By Senators Speed, Soles, Parnell, Plyler, Martin of Pitt, Warren, Shaw, Sands, Perdue, Conder, Daniel, Martin of Guilford, Daughtry, Richardson, Carpenter, and Bryan:
S.B. 1063, a bill to amend the motor vehicle laws concerning cotton-hauling vehicles.
Referred to **Transportation Committee.**

By Senators Speed, Soles, Parnell, Marvin, Plyler, Martin of Pitt, Warren, Shaw, Lee, Walker, Sands, Perdue, Conder, Daniel, Martin of Guilford, Daughtry, Richardson, Carpenter, and Bryan:
S.B. 1064, a bill to appropriate funds to meet the capital and operational costs of transferring the Agricultural Education Program from the College of Education and Psychology to the College of Agriculture and Life Sciences at North Carolina State University.
Referred to **Appropriations Committee.**

By Senators Speed, Soles, Parnell, Marvin, Plyler, Martin of Pitt, Warren, Shaw, Sands, Perdue, Conder, Daniel, Daughtry, Richardson, Carpenter, and Bryan:
S.B. 1065, a bill to appropriate funds to complete the Tidewater Research and Extension Center at Plymouth, North Carolina, and to provide for additional personnel.
Referred to **Appropriations Committee.**

By Senators Speed, Soles, Parnell, Marvin, Plyler, Martin of Pitt, Warren, Shaw, Lee, Walker, Sands, Perdue, Conder, Daniel, Martin of Guilford, Daughtry, Richardson, Carpenter, and Bryan:
S.B. 1066, a bill to amend the title and scope of the Agriculture, Forestry, and Seafood Awareness Study Commission by deleting seafood from the Commission's title and area of study.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senators Speed, Soles, Plyler, Warren, Shaw, Sands, Perdue, Conder, Daniel, Daughtry, Richardson, Carpenter, Staton, Royall, Forrester, Smith, Raynor, and Bryan:
S.B. 1067, a bill to provide an annual one hundred fifty dollar allowance to each member of the North Carolina National Guard and to appropriate funds for the allowance.
Referred to **Appropriations Committee.**

By Senators Speed, Soles, Parnell, Marvin, Plyler, Martin of Pitt, Warren, Shaw, Sands, Perdue, Conder, Daniel, Martin of Guilford, Daughtry, Richardson, Carpenter, Basnight, and Bryan:

S.J.R. 1068, a joint resolution to commemorate the One Hundredth Anniversary of forestry in North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

Senator Marvin offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Marvin:

S.J.R. 1084, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to clarify that local governmental entities are eligible to receive grant funds for domestic violence centers.

Referred to **Rules and Operation of the Senate Committee.**

Senator Hyde offers a motion that the rules be suspended to allow the introduction of the following Senate simple resolution, which motion prevails by a two-thirds majority vote.

By Senators Hyde, Winner, and Barnes:

S.R. 1096, a Senate simple resolution to commemorate the Seven Hundred Seventy-seventh Anniversary of the *Magna Carta*.

Referred to **Constitution Committee.**

ADDITIONAL ENDORSEMENT

Senator Seymour requests to be recorded endorsing bills previously introduced:

By Senator Seymour:

S.B. 1005, a bill to appropriate funds for a permanent camp and conference center for autistic children and adults.

By Senator Seymour:

S.B. 1006, a bill to appropriate funds for the summer camp program for autistic children and adults.

The President recognizes the following pages serving in the Senate this week:

Suzanne Autry, Fayetteville; Alfredo G. Calvo, Flat Rock; Casey Sabrina Batts, Grifton; Daniel William Chappell, Raleigh; Charles Holden Duboise, Clinton; Joshua Winborne Davis, Raleigh; William Ward Davis, Raleigh; Melody Helms, Charlotte; Meghan Jeanette Liebers, Fayetteville; Cameron B. McCall, Lexington; Mary Anne McInnis, Rockingham; Craig S. Morrisette, Cary; David Nodine, Greensboro; Rokisha L. Rover, Enfield; Paul W. Stewart III, Louisburg; Leah Margaret Tilden, Pittsboro; John Allen Williamson, Louisburg; and Nikki Young, Rockingham.

REPORT TO GENERAL ASSEMBLY

The following Agency directed to report to the General Assembly submits a report (See Addendum) which is ordered placed on file in the Legislative Library:

The North Carolina Department of Revenue submits its Revenue Comparative Statement of Net Collections for the months of April 1992 and 1991.

RESOLUTIONS FROM OTHER STATES

The following joint resolution is received from another legislative body (See Addendum), presented to the Senate, and ordered placed on file in the Office of the Principal Clerk:

Missouri Senate Concurrent Resolution No. 24 relating to the "Help Yourself, Buy American" effort.

On motion of Senator Barnes, seconded by Senator Carter, the Senate adjourns at 8:05 P.M. to meet tomorrow, June 2, at 1:30 P.M.

ONE HUNDRED FOURTH DAY

SENATE CHAMBER,
Tuesday, June 2, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"All Knowing God, a philosopher once said, 'Law is order and good law is good order. His statement reminds us that it is impossible to please everyone with the laws being considered here.

"For some, a certain law will be a fence of confinement; for others that same law will act as protector with a fence-gate to freedom. It's always a matter of perspective.

"Give these, Your servants, good perspective and insight. May we be reminded of the words of a great theologian when he wrote concerning law, 'Let no one seek one's own good, but the good of one's neighbor.' Today, that is our task and opportunity. Amen."

Senator Barnes President *Pro Tempore* of the Senate announces that the Journal of yesterday, June 1, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Block, who is attending the funeral of a friend; and to Senator Ballance and Senator Perdue.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary I Committee**:

H.B. 1000 (Committee Substitute), a bill to establish the North Carolina Community Trust for persons with severe chronic disabilities, with a favorable report.

By Senator Sands for the **Judiciary II Committee**:

H.B. 192, a bill recommended by the Juvenile Law Study Commission to allow termination of parental rights after a parent has left a child in foster care for twelve months without making reasonable progress towards correcting the conditions that led to foster care, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Warren and Martin of Pitt:
S.B. 1069, a bill to amend and restate the Charter of the Greenville Utilities Commission of the City of Greenville.
Referred to **Public Utilities Committee.**

By Senator Daniel:
S.B 1070, a bill to expand the tax credit for creating jobs in severely distressed counties to include jobs that pay more than the average manufacturing wage.
Referred to **Finance Committee.**

By Senator Martin of Pitt:
S.B. 1071, a bill to appropriate funds to the Department of Agriculture for a new agronomic facility.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:
S.B. 1072, a bill to set the Rural Electrification Authority regulatory fee for the 1992-93 fiscal year and to require the General Assembly to enact legislation setting the fee in future fiscal years only if the fee is to be higher than the fee set for the 1992-93 fiscal year.
Referred to **Public Utilities Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Raynor, Speed, Carpenter, and Forrester:
S.B. 1073, a bill to allow counties to require prisoners to work on projects to benefit units of State or local government.
Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee.**

By Senators Plyler and Conder:
S.B. 1074, a bill to permit special ABC permits to be issued for certain private clubs and private lodges.
Referred to **Alcoholic Beverage Control Committee.**

By Senators Plyler and Conder:
S.B. 1075, a bill to appropriate funds to the Department of Agriculture for control of equine infectious anemia.
Referred to **Appropriations Committee.**

By Senators Plyler and Conder:
S.B. 1076, a bill to authorize the City of Albemarle to levy a room occupancy tax.
Referred to **Finance Committee.**

By Senators Plyler and Conder:
S.B. 1077, a bill to permit the County of Stanly to rename County public and private roads.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Plyler and Conder:
S.B. 1078, a bill to abolish the Office of City Treasurer of the City of Monroe.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Plyler and Conder:
S.B. 1079, a bill to allow Stanly County to acquire property for use by the Stanly County Schools and the Albemarle City Schools and to authorize boards of education in Stanly County to convey property to the County in connection with improvements and repair of the property.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Walker and Smith:
S.B. 1080, a bill to continue the State's programs to prevent infant mortality and to appropriate funds.
Referred to **Appropriations Committee.**

By Senator Hunt:
S.B. 1081, a bill to validate school mergers and clarify merger laws so as to eliminate the need for substantial appropriations for separate central staffs, and so as to clarify a 1991 special budget provision.
Referred to **Education Committee.**

By Senators Richardson and Carpenter:
S.B. 1082, a bill to require all domiciliary care facilities to report costs and revenues and a uniform chart of accounts.
Referred to **Human Resources Committee.**

By Senator Warren:
S.B. 1083, a bill to appropriate funds for nurse anesthetist training.
Referred to **Appropriations Committee.**

By Senator Block:
S.B. 1085, a bill to require any local government participating in the Local Governmental Employees' Retirement System and any employer in the Teachers' and State Employees' Retirement System to fund the pension costs associated with a retirement incentive program.
Referred to **Pensions and Retirement Committee.**

By Senator Block:
S.B. 1086, a bill to link the University of North Carolina at Wilmington with the MCNC Communications Network.
Referred to **Appropriations Committee.**

By Senators Smith and Cochrane:
S.B. 1087, a bill to create a new offense of third degree trespass in Rowan County.
Referred to **Judiciary II Committee.**

By Senators Smith and Cochrane:
S.B. 1088, a bill to make administrative changes to the Rowan occupancy tax law.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Winner:
S.J.R. 1089, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to make the requirement of separate instruments to record the satisfaction of or subsequent entries regarding deeds of trust, mortgages, and other instruments optional in certain cases, and to provide that no fee may be charged for the filing of those instruments.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Perdue:
S.B. 1090, a bill to allow certain cities of under three hundred population to hold ABC elections.
Referred to **Alcoholic Beverage Control Committee.**

By Senator Perdue:
S.B. 1091, a bill to appropriate funds for the construction of the harbor deepening project at the Morehead City Port.
Referred to **Appropriations Committee.**

By Senator Perdue:
S.B. 1092, a bill to provide for the nonpartisan election of the Carteret County Board of Education, subject to a referendum.
Referred to **Election Laws Committee.**

By Senators Basnight and Plyler:
S.B. 1093, a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year and to make other changes in the budget operation of the State.
Referred to **Appropriations Committee.**

By Senators Basnight and Plyler:
S.B. 1094, a bill to modify the current operations appropriations and the capital improvements appropriations for the 1992-93 fiscal year and to make other changes in the budget operation of the State.
Referred to **Appropriations Committee.**

By Senators Basnight and Plyler:
S.B. 1095, a bill to modify the current operations appropriations for North Carolina for the 1992-93 fiscal year and to make other changes in the budget operation of the State.
Referred to **Appropriations Committee.**

By Senators Basnight and Plyler:
S.B. 1097, a bill to modify the appropriations and Budget Revenue Act of 1991, As Amended, and to make other changes in the budget operation of the State.
Referred to **Appropriations Committee.**

By Senators Royall, Plyler, Smith, and Seymour:
S.B. 1098, a bill to appropriate funds to fund fully the State Contractual Scholarship Program and the Legislative Tuition Grant Program for private and independent colleges and universities.
Referred to **Appropriations Committee.**

By Senator Martin of Pitt:
S.B. 1099, a bill to establish electoral districts for the merged Edgecombe County Board of Education.
Referred to **Education Committee.**

By Senator Cooper:
S.B. 1100, a bill to amend the law regarding appointments to the Board of Commissioners of the Nash County Hospital Authority.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Cooper:
S.B. 1101, a bill to increase the membership of the Nash County Alcoholic Beverage Control Board from three to five members.
Referred to **Alcoholic Beverage Control Committee.**

By Senators Walker and Seymour:
S.B. 1102, a bill to appropriate money from the Worker Training Trust Fund for the 1992-93 fiscal year.
Referred to **Appropriations Committee.**

By Senators Basnight and Daniel:
S.B. 1103, a bill to make technical changes to the accounting procedure for the Savings Reserve Account.
Referred to **State Personnel and State Government Committee.**

By Senators Basnight and Daniel:
S.B. 1104, a bill to clarify the provisions of the Executive Budget Act and the State budget for the 1991-93 fiscal biennium.
Referred to **State Personnel and State Government Committee.**

By Senators Marvin and Royall:
S.B. 1105, a bill to decrease State expenditures for safekeepers by clarifying the law regarding the medical costs of safekeepers and by changing the law regarding the transfer of safekeepers to the Department of Correction.
Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Royall, Daniel, Smith, and Seymour:
S.B. 1106, a bill to require the State Controller to report to the Joint Legislative Commission on Governmental Operations before he spends more for the State computer system than was anticipated in the budget for the fiscal period.
Referred to **State Personnel and State Government Committee.**

By Senators Royall, Daniel, Goldston, Hunt, Seymour, and Smith:
S.J.R. 1107, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that computer software is one of the classes of property excluded from property taxation.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Forrester, Richardson, Walker, Marvin, Carpenter, Ballance, and Carter:
S.J.R. 1108, a joint resolution to create the Independent Commission on Access to Primary Care to study the shortage of primary care physicians in rural North Carolina and to appropriate funds for the study.
Referred to **Appropriations Committee.**

By Senators Forrester, Richardson, Walker, Marvin, Carpenter, Ballance, and Carter:
S.B. 1109, a bill to appropriate funds to the Office of Rural Health, Department of Human Resources, for the Rural Health Recruitment Fund.
Referred to **Appropriations Committee.**

By Senator Goldston:
S.B. 1110, a bill to appropriate funds to link Appalachian State University with the MCNC Communications Network.
Referred to **Appropriations Committee.**

By Senators Richardson and Daniel:
S.B. 1111, a bill to provide that blind persons shall be granted preference in the operation of vending facilities on North Carolina highways.
Referred to **Human Resources Committee.**

By Senators Plyler and Conder:
S.B. 1112, a bill to fund traffic control at major events from the current operations-Highway Fund for State Maintenance.
Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Daniel:
S.B. 1113, a bill relating to general obligation bonds of the State of North Carolina.
Referred to **Finance Committee.**

By Senator Daniel:
S.B. 1114, a bill to make various changes in the Sheriffs' Supplemental Pension Fund.
Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Daniel:
S.B. 1115, a bill to make the fee for a commercial driver learner's permit the same as the fee for a regular learner's permit.
Referred to **Finance Committee.**

By Senators Daniel and Seymour:
S.J.R. 1116, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to establish a Cancer Control Study Commission and to appropriate funds.
Referred to **Rules and Operation of the Senate Committee.**

By Senator Daniel:
S.J.R. 1117, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a resolution urging the United States Congress to pass an amendment to the United States Constitution requiring a balanced federal budget.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Daniel, Sands, Seymour, Johnson, Soles, Staton, Speed, Plexico, Allran, Carpenter, Smith, Lee, Hyde, and Conder:
S.B. 1118, a bill to impose a privilege license tax on debt payment agents and to repeal obsolete provisions concerning these agents.
Referred to **Finance Committee.**

EXECUTIVE ORDER

An Executive Order received is presented to the Senate (See Appendix), read, and referred to committee, as follows:

Executive Order Number 168, North Carolina Interagency Council for Coordinating Homeless Programs.
Referred to **State Personnel and State Government Committee.**

On motion of Senator Barnes, seconded by Senator Shaw, the Senate adjourns at 1:55 P.M. to meet tomorrow, June 3, at 1:30 P.M.

ONE HUNDRED FIFTH DAY

SENATE CHAMBER,
Wednesday, June 3, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, it might happen across the dinner table with our family, or across the cafeteria table with friends, or across this Senate room; we respond to important

considerations and communications with both our intellect and our emotions, with both our minds and our hearts. There is such a delicate balance there, Oh God, knowing which should inform our decision-making.

"So we ask today that You give our hearts ears to hear, our minds eyes to vision, confessing that the longest journey we might ever take is the one from head to heart; a trip that is worth it because there we find You and faith, and many times that's All we have to go on, and All we need. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, June 2, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Staton for the **Banks and Thrift Institutions Committee:**

S.B. 992, a bill to permit a trust company to be acquired by a bank holding company, with a favorable report.

S.B. 997, a bill to make omnibus and technical changes to the savings institutions laws, with a favorable report, as amended.

By Senator Winner for the **Rules and Operation of the Senate Committee:**

S.J.R. 990, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to extend the grandfather clause application deadline to October 31, 1992, with a favorable report.

S.J.R. 1034, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued, with a favorable report.

S.J.R. 1041, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to adopt the Venus's-flytrap as the Official Plant of North Carolina, with a favorable report.

S.J.R. 1051, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring Duke University on winning its second straight NCAA Division I Men's Basketball Championship, with a favorable report.

S.J.R. 1068, a joint resolution to commemorate the One Hundredth Anniversary of Forestry in North Carolina, with a favorable report.

S.J.R. 1084, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to clarify that local governmental entities are eligible to receive grant funds for domestic violence centers, with a favorable report.

S.B. 1044, a bill to provide for gavel-to-gavel television coverage of the General Assembly and for other improvements to the public telecommunications systems of the State as recommended by the open government through Public Telecommunications Study Commission, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

By Senator Sherron for the **State Personnel and State Government Committee:**

S.B. 1035, a bill to establish a comprehensive compensation system for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this comprehensive compensation system, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Ballance:
S.B. 1119, a bill to provide that funds credited to the Department of Agriculture from the excise tax on wine for promotion of the North Carolina grape and wine industry do not revert to the General Fund at the end of each fiscal year.
Referred to **Appropriations Committee.**

By Senator Hartsell:
S.B. 1120, a bill to allow Cabarrus County to acquire property for use by the Cabarrus County Schools and the Kannapolis City Schools.
Referred to **Education Committee.**

By Senator Hartsell:
S.B. 1121, a bill to authorize Cabarrus County to acquire land for road rights-of-way for connectors between subdivisions and connectors between subdivisions and State-maintained roads by dedication and acceptance, purchase, or eminent domain.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Hartsell:
S.B. 1122, a bill to permit the County of Cabarrus to condemn certain property of private condemnors.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Speed:
S.B. 1123, a bill to allow Franklin County to use alternative construction delivery systems.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Speed:
S.B. 1124, a bill to authorize the County of Franklin to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.
Referred to **Economic Development Committee.**

By Senator Speed:
S.B. 1125, a bill to provide that Franklin County is authorized to construct gas lines.
Referred to **Public Utilities Committee.**

By Senator Speed:
S.B. 1126, a bill to allow Franklin County to acquire property for use by the County Boards of Education.
Referred to **Education Committee.**

By Senators Plyler and Conder:
S.B. 1127, a bill to extend the exemption of Union County from certain statutory requirements in the construction of a County detention facility.
Referred to **Local Government and Regional Affairs Committee.**

By Senators Ward and Royall:
S.B. 1128, a bill to require the State Board of Education to impose a penalty on a local school administrative unit that fails to implement the Transportation Information Management System by September 1, 1992.
Referred to **Education Committee.**

By Senator Parnell:
S.B. 1129, a bill to extend the North Carolina Sentencing and Policy Advisory Commission and to adjust its reporting dates and membership accordingly.
Referred to **State Personnel and State Government Committee.**

By Senator Daughtry:
S.B. 1130, a bill to provide the higher salary grade for magistrates with a two-year associate of arts degree and to appropriate funds.
Referred to **Appropriations Committee.**

By Senator Daughtry:
S.B. 1131, a bill to increase public safety by repealing the prison population stabilization act.
Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee.**

By Senators Daniel and Plyler:
S.B. 1132, a bill to increase the license tax on operators of large specialty markets and to provide that if a person conducts business at a specialty market, the specialty market is not considered the person's business location for the purpose of the privilege license tax.
Referred to **Finance Committee.**

By Senator Daughtry:
S.B. 1133, a bill to allow Johnston County to acquire property for use by its Board of Education.
Referred to **Education Committee.**

By Senator Daughtry:
S.B. 1134, a bill to establish the corporate limits of the Town of Benson.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Tally, Royall, Bryan, Block, and Sherron:
S.B. 1135, a bill to require that well contractors and pump contractors be licensed and to establish a Well and Pump Contractors Examiners Board.
Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Tally, Royall, Bryan, Block, and Sherron:
S.B. 1136, a bill to make changes to the community water system permit fee.
Referred to **Finance Committee.**

By Senators Tally, Royall, Block, Bryan, Seymour, and Sherron:
S.B. 1137, a bill to authorize the issuance of one hundred million dollars in general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for the purpose of making loans to local government units for water supply systems, wastewater collection systems, or wastewater treatment works.
Referred to **Finance Committee.**

By Senators Warren, Block, Lee, Speed, Bryan, and Staton:

S.B. 1138, a bill to waive the twelve-month durational requirement for resident tuition status for the children of employees domiciled in the State who are entitled to benefits under the Teachers' and State Employees' Retirement System.

Referred to **Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Warren, Allran, Block, Kincaid, Lee, Speed, and Staton:

S.J.R. 1139, a joint resolution directing the Joint Legislative Education Oversight Committee to study the issue of requiring out-of-state students who attend public schools in North Carolina to pay the full cost of their education.

Referred to **Appropriations Committee.**

By Senators of Warren, Allran, Block, Kincaid, Lee, Sands, Speed, and Staton:

S.B. 1140, a bill to appropriate funds for the end-of-course and end-of-grade testing programs for the public schools.

Referred to **Appropriations Committee.**

By Senator Warren:

S.B. 1141, a bill to authorize Pitt County to create Rescue/Emergency Medical Services Protection Districts.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Martin of Guilford:

S.B. 1142, a bill to transfer the North Carolina Firemen's and Rescue Squad Workers' Pension Fund from the Department of State Auditor to the Department of State Treasurer, and to make the State Treasurer the chairman of the Board of Trustees of the Pension Fund.

Referred to **Pensions and Retirement Committee.**

By Senators Royall, Ward, Hunt, and Daniel:

S.B. 1143, a bill to clarify the law regarding the computation of the minimum number of bids required for capital projects.

Referred to **State Personnel and State Government Committee.**

By Senators Royall, Forrester, Cooper, Allran, Bryan, Seymour, Hunt, and Marvin:

S.B. 1144, a bill to appropriate funds for a grassroots science program by the Museum of Natural Sciences to improve State programs in science education.

Referred to **Appropriations Committee.**

By Senators Richardson, Ballance, Lee, Hunt, and Martin of Guilford:

S.B. 1145, a bill to appropriate funds for economic development projects and activities within the State's minority community.

Referred to **Appropriations Committee.**

By Senator Soles:

S.B. 1146, a bill to provide an election procedure for midterm vacancies in Tabor City.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Basnight:

S.B. 1147, a bill to make administrative changes to local option legislation for Dare County.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Marvin, Johnson, Sherron, and Walker:

S.B. 1148, a bill to establish the percentage rate of the public utility regulatory fee for the 1992-93 fiscal year, and to transfer commissioners of the Utilities Commission from

the Teachers' and State Employees' Retirement System to the Consolidated Judicial Retirement System.

Referred to **Finance Committee** and upon a favorable report, re-referred to the **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Plyler and Conder:

S.B. 1149, a bill to allow Montgomery County to establish voting precincts during 1989 without regard to township boundaries.

Referred to **Election Laws Committee.**

By Senators Plyler and Conder:

S.B. 1150, a bill to allow Union County to create Fire Protection Districts in which fire protection is funded by fees rather than taxes.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Plyler and Conder:

S.B. 1151, a bill to prohibit disposal within Union County of soil contaminated outside Union County by leaking petroleum underground storage tanks.

Referred to **Environment and Natural Resources Committee.**

By Senator Warren:

S.B. 1152, a bill to change the pay date for certain employees of the Pitt County Schools.

Referred to **Education Committee.**

By Senators Basnight and Plyler:

S.B. 1153, a bill to amend Chapter 501 of the 1989 Session Laws regarding a wholly self-liquidating capital project at the University of North Carolina at Asheville.

Referred to **Finance Committee.**

By Senators Basnight and Plyler:

S.B. 1154, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina.

Referred to **Finance Committee.**

By Senators Basnight and Plyler:

S.B. 1155, a bill to amend Chapter 1092 of the 1987 Session Laws, Regular Session 1988, regarding a wholly self-liquidating project at Elizabeth City State University.

Referred to **Finance Committee.**

By Senators Blackmon, Simpson, Walker, and Tally:

S.B. 1156, a bill to allow closed-loop groundwater remediation systems.

Referred to **Environment and Natural Resources Committee.**

By Senators Raynor, Staton, Smith, Cochrane, Forrester, Speed, Bryan, and Tally:

S.B. 1157, a bill to provide for the State of North Carolina to construct, maintain, and operate a State veterans home and to require the Division of Veterans Affairs to be the contact point for the construction of the State Veterans Home.

Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee** and, upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Sherron, Cochrane, Seymour, Speed, Carpenter, and Winner:

S.B. 1158, a bill to permit the State of North Carolina to grant a utility easement to Carolina Power and Light Company across Umstead Park, to require the Department of

Transportation to maintain parking lots in the State parks and recreation areas, and to conform statutes relating to rule offenses committed in the State parks and recreation areas.

Referred to **Environment and Natural Resources Committee.**

By Senators Tally and Raynor:

S.B. 1159, a bill to repeal the requirement that long-term contracts entered into by local governments for the collection and disposal of nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources.

Referred to **Environment and Natural Resources Committee.**

By Senator Daniel:

S.B. 1160, a bill to authorize Alamance County to place nonviolent misdemeanants incarcerated in the Alamance County Jail to work on public works without the direct supervision of the sheriff.

Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee.**

By Senator Daniel:

S.B. 1161, a bill to provide for a fox trapping season in Caswell County.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senator Sands:

S.B. 1162, a bill to exempt Rockingham County from certain recent amendments to the recording requirements for plats and subdivisions.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Bryan and Carpenter:

S.B. 1163, a bill to expand the gas tax refund for bulk feed vehicles to apply when the vehicle is unloading feed at a mill.

Referred to **Finance Committee.**

By Senators Sands, Lee, Ward, Daniel, Kaplan, Richardson, Shaw, Goldston, Martin of Guilford, Walker, Seymour, and Smith:

S.B. 1164, a bill to appropriate funds to the Department of Agriculture for a Triad Farmers Market.

Referred to **Appropriations Committee.**

By Senators Odom, Blackmon, and Richardson:

S.B. 1165, a bill to authorize the Towns of Cornelius and Davidson in Mecklenburg County to regulate in certain extraterritorial areas.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Daniel and Seymour:

S.B. 1166, a bill to establish a Cancer Control Study Commission and to appropriate funds.

Referred to **Appropriations Committee.**

By Senator Sherron and Seymour:

S.B. 1167, a bill to control costs in the prescription drug coverage part of the Teachers' and State Employees' Comprehensive Major Medical Plan.

Referred to **State Personnel and State Government Committee.**

By Senator Hartsell:

S.B. 1168, a bill an act to remove the City of Concord's local modifications to G.S. 58-84-30 and G.S. 58-84-35.

Referred to **Pensions and Retirement Committee.**

By Senators Tally and Smith:

S.B. 1169, a bill to clarify certain deductibles applicable to the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund, to make current landowners who engage in cleanups eligible for reimbursement from the Commercial Fund, and to add two members to the Petroleum Underground Storage Tank Funds Council.

Referred to **Environment and Natural Resources Committee.**

By Senator Martin of Pitt:

S.B. 1170, a bill to appropriate funds for job training in Eastern North Carolina.

Referred to **Appropriations Committee.**

By Senator Martin of Pitt:

S.B. 1171, a bill to appropriate funds to complete the Tidewater Research and Extension Center at Plymouth, North Carolina, and to provide for additional personnel.

Referred to **Appropriations Committee.**

By Senators Royall and Hunt:

S.B. 1172, a bill to appropriate funds to renovate Meadowview Cottage at the Murdoch Center.

Referred to **Appropriations Committee.**

By Senators Royall, Richardson, Forrester, Seymour, Odom, Blackmon, Warren, Hartsell, and Hunt:

S.B. 1173, a bill to appropriate funds to the Department of Community Colleges for the Diploma Nursing Program.

Referred to **Appropriations Committee.**

By Senator Conder:

S.B. 1174, a bill to authorize the Legislative Research Commission to study the need to establish a college of chiropractic in North Carolina, and to make an appropriation therefor.

Referred to **Appropriations Committee.**

By Senators Conder, Plyler, and Bryan:

S.B. 1175, a bill to allow Stanly and Iredell Counties to acquire property for use by the County Boards of Education and to authorize Boards of Education in Stanly, Richmond, and Iredell Counties to convey property to the County in connection with improvements and repair of the property.

Referred to **Education Committee.**

By Senator Sands:

S.B. 1176, a bill to establish by a description the boundaries for Jot-Um-Down Fire District in Surry County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Sands:

S.B. 1177, a bill to establish by a description the boundaries for C.C. Camp Fire District in Surry County.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Speed, Carpenter, Seymour, and Block:

S.B. 1178, a bill to make changes in the Teachers' and State Employees' Retirement System for some members of that System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Walker:
S.B. 1179, a bill to require the Department of Human Resources to further develop the Social Services Plan and to appropriate funds to pilot the core of social services; and to appropriate funds for grants to local agencies to develop and implement family preservation services as provided in G.S. 143B-150.6 of the Family Preservation Act.
Referred to **Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Allran:
S.B. 1180, a bill to authorize the City of Conover to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.
Referred to **Economic Development Committee.**

By Senator Perdue:
S.B. 1181, a bill to alter the manner of election of the Craven County Board of Commissioners.
Referred to **Election Laws Committee.**

By Senator Daniel:
S.B. 1182, a bill to place a moratorium on disposition of property by the City of Roxboro at the Lake Roxboro Project in Caswell County under a 1989 local act, and to toll a statute of limitations under that act.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Block:
S.B. 1183, a bill to include auxiliary police and special deputies in the Firemen's and Rescue Squad Workers' Pension Fund.
Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

Senator Lee offers a motion prior to the first reading of the following bill that the measure be held in the Office of the Principal Clerk, which motion prevails.
By Senator Lee:
S.B. 1184, a bill to authorize the trapping of beaver in the Town of Chapel Hill for purposes of relocation.
The Chair orders the bill held in the Office of the Principal Clerk.

By Senators Walker, Seymour, and Bryan:
S.B. 1185, a bill to create a moratorium on the initial licensure of rest homes.
Referred to **Human Resources Committee.**

By Senator Plyler:
S.B. 1186, a bill concerning Stanly County and the municipalities therein.
Referred to **Local Government and Regional Affairs Committee.**

By Senator Plyler:
S.B. 1187, a bill concerning Union County and the municipalities therein.
Referred to **Local Government and Regional Affairs Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lee for the **Local Government and Regional Affairs Committee**:

S.B. 967, a bill to revise and consolidate the Charter of the Town of Selma, with a favorable report.
On motion of Senator Lee, the bill is re-referred to the **Finance Committee.**

S.B. 1018, a bill to authorize Ashe County to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, with a favorable report.

S.B. 1019, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County, with a favorable report.

On motion of Senator Lee, the bill is re-referred to the **Finance Committee**.

S.B. 1046, a bill to permit the County of Nash to rename county public and private roads, with a favorable report.

S.B. 1054, a bill to bring Mecklenburg County's Fair Housing Act into compliance with the Federal Fair Housing Act, with a favorable report.

S.B. 1061, a bill to authorize Bladen, Cumberland, and Hoke Counties to enter into long-term contracts for disposal of solid waste, with a favorable report.

S.B. 998, a bill to create the Sanford-Lee County Regional Airport Authority, with a favorable report, as amended.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 192, a bill recommended by the Juvenile Law Study Commission to allow termination of parental rights after a parent has left a child in foster care for twelve months without making reasonable progress towards correcting the conditions that led to foster care.

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

On motion of Senator Sands, further consideration of the bill, as amended, is postponed until Tuesday, June 9.

H.B. 1000 (Committee Substitute), a bill to establish the North Carolina Community Trust for persons with severe chronic disabilities.

On motion of Senator Soles, consideration of the Committee Substitute bill is postponed until Tuesday, June 9.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (See Addendum) which is ordered placed on file in the Legislative Library, as follows:

Senator Barnes for the North Carolina Department of Human Resources Office of Rural Health and Resource Development submits a report on the Essential Access Community Hospital Program, pursuant to S.B. 717 of the 1991 Session of the General Assembly.

The Chair orders the report filed with the Senate records.

On motion of Senator Barnes, seconded by Senator Cochrane, the Senate adjourns at 2:20 P.M. to meet tomorrow, June 4, at 1:30 P.M.

ONE HUNDRED SIXTH DAY

SENATE CHAMBER,
Thursday, June 4, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, the Prophet, Joel, in the Holy Scripture, reminds us that when Your Spirit is present, old people shall dream dreams and young people shall see visions. We are grateful that there are men and women in this room who are visionaries. But there are others, like Nehemiah, who are better architects and builders; taking the vision, breaking it down, blueprinting, and constructing it into the edifice of law. For these people, we too, are grateful.

"People of differing gifts don't always think alike or use the same language. So, we pray today for the successful collaboration of the visionaries, architects, and builders to the end that the people of our State may benefit from their efforts. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, June 3, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Shaw and Senator Kaplan, who are attending the Sate Legislative Leaders Foundation Conference in Boston; to Senator Pollard, who is attending the funeral of a family friend; and to Senator Winner and Senator Perdue.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lee for the **Local Government and Regional Affairs Committee**:

S.B. 1031, a bill to incorporate Woodlake Village in Moore County, subject to a referendum, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lee, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Raynor for the **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee**:

S.B. 1073, a bill to allow counties to require prisoners to work on projects to benefit units of State or local government, with a favorable report.

S.B. 1157, a bill to provide for the State of North Carolina to construct, maintain, and operate a State veterans home and to require the Division of Veterans Affairs to be the contact point for the construction of the State Veterans Home, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

By Senator Staton for the **Banks and Thrift Institutions Committee:**

S.B. 993, a bill to make amendments to the Refund Anticipation Loan Act, with a favorable report.

On motion of Senator Staton, the bill is re-referred to the **Finance Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Simpson:

S.B. 1188, a bill to allow the Secretary of Environment, Health, and Natural Resources to contribute ten percent of the cost of a voluntary remedial action program for an inactive hazardous substance or waste disposal site from the inactive sites cleanup fund.

Referred to **Environment and Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Staton:

S.B. 1189, a bill to appropriate funds to produce construction documents for the new North Carolina State Museum of Natural Sciences.

Referred to **Appropriations Committee.**

By Senators Perdue and Seymour:

S.B. 1190, a bill to appropriate funds for the Displaced Homemaker Center.

Referred to **Appropriations Committee.**

By Senators Perdue and Seymour:

S.B. 1191, a bill to appropriate funds to NC Equity for health and economic development program activities.

Referred to **Appropriations Committee.**

By Senators Daughtry and Speed:

S.B. 1192, a bill to appropriate funds to the Tobacco Museum of North Carolina, Inc., in Kenly for operating and capital expenses.

Referred to **Appropriations Committee.**

By Senators Johnson, Simpson, and Smith:

S.B. 1193, a bill to authorize joint agencies to provide aid and assistance to municipalities and joint municipal assistance agencies as recommended by the Joint Legislative Utility Review Committee.

Referred to **Public Utilities Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Daniel:

S.J.R. 1194, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions and to levy a fee for filing an appeal to the Property Tax Commission.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Daniel, Seymour, and Plexico:

S.B. 1195, a bill to exempt from sales and use taxes prescription medicine that is donated to a nonprofit organization.

Referred to **Finance Committee.**

By Senators Daniel and Seymour:
S.B. 1196, a bill to provide budget reform in North Carolina.
Referred to **Appropriations Committee.**

By Senators Walker and Smith:
S.B. 1197, a bill to implement the oxygenated and reformulated gasoline requirements of the 1990 amendments to the Federal Clean Air Act.
Referred to **Environment and Natural Resources Committee.**

By Senators Plexico, Tally, Warren, and Carpenter:
S.J.R. 1198, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to adopt Folkmoot USA as North Carolina's Official International Folk Festival.
Referred to **Rules and Operation of the Senate Committee.**

By Senators Plexico and Carpenter:
S.B. 1199, a bill to appropriate funds to Henderson County for various public projects.
Referred to **Appropriations Committee.**

By Senators Basnight, Plyler, Sherron, and Murphy:
S.B. 1200, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects on the Centennial Campus of North Carolina State University at Raleigh.
Referred to **Finance Committee.**

By Senators Daniel, Simpson, Tally, and Walker:
S.B. 1201, a bill to require notification to the public of certain mining, water, and air permit decisions, to allow third parties to appeal these decisions in contested case proceedings, and to make certain new permit conditions effective during a contested case proceeding.
Referred to **Environment and Natural Resources Committee.**

By Senator Walker:
S.B. 1202, a bill to clarify the public enterprise law with respect to the adoption and enforcement of utility system ordinances.
Referred to **Public Utilities Committee.**

By Senators Speed and Soles:
S.B. 1203, a bill to appropriate funds to the Department of Agriculture for expansion of the Pesticide Regulatory Program.
Referred to **Appropriations Committee.**

By Senator Speed:
S.B. 1204, a bill to appropriate funds to upgrade meat and poultry inspection.
Referred to **Appropriations Committee.**

By Senators Marvin and Seymour:
S.B. 1205, a bill to appropriate funds for North Carolina Head Start capital improvements.
Referred to **Appropriations Committee.**

By Senator Walker:
S.B. 1206, a bill to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources.
Referred to **Environment and Natural Resources Committee.**

By Senators Staton, Royall, Daughtry, and Murphy:
S.B. 1207, a bill to appropriate funds for the Research Triangle World Trade Center.
Referred to **Appropriations Committee.**

Senator Barnes offers a motion prior to the first reading of the following bill, that the measure be held in the office of the Principal Clerk, which motion prevails.

By Senator Pollard:

S.B. 1208, a bill to raise the age of compulsory attendance in public schools and to reallocate part of the funds appropriated for dropout prevention for the 1992-93 fiscal year.

The bill is ordered held in the office of the Principal Clerk.

By Senator Carpenter:

S.J.R. 1209, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to remove the requirement that a person be a resident of the State in order to obtain a hunting and fishing guide license.

Referred to **Rules and Operation of the Senate Committee.**

Senator Barnes offers a motion prior to the first reading of the following bill, that the measure be held in the office of the Principal Clerk, which motion prevails.

By Senator Daniel:

S.B. 1210, a bill to impose additional civil penalties for the illegal manufacture and sale of alcoholic beverages.

The bill is ordered held in the office of the Principal Clerk.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

H.J.R. 1319, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide a procedure for an unaffiliated candidate for President who has qualified for ballot access to name candidates for elector and for Vice-President.

On motion of Senator Barnes, without objection, the joint resolution is placed on the Calendar for today for consideration in its regular order of business.

H.J.R. 1331, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to adopt Folkmoot USA as North Carolina's Official International Folk Festival.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 1345, a bill to authorize Bladen, Cumberland, and Hoke Counties to enter into long-term contracts for disposal of solid waste.

On motion of Senator Tally, without objection, the bill is placed on the Calendar for today for consideration after its identical measure **S.B. 1061**, a bill to authorize Bladen, Cumberland, and Hoke Counties to enter into long-term contracts for disposal of solid waste.

H.B. 1372, a bill to change the pay date for certain employees of the Charlotte/Mecklenburg schools.

Referred to **Education Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 998, a bill to create the Sanford-Lee County Regional Airport Authority, upon second reading.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plexico, Raynor, Richardson, Royall, Sands, Seymour, Sherron, Smith, Soles, Staton, Tally, Walker, Ward, and Warren—39.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for Monday, June 8, for further consideration upon third reading.

S.B. 1018, a bill to authorize Ashe County to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1046, a bill to permit the County of Nash to rename county public and private roads.

Senator Cooper offers Amendment No. 1 which is adopted (38-0).

The bill, as amended, passes its second (39-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1061, a bill to authorize Bladen, Cumberland, and Hoke Counties to enter into long-term contracts for disposal of solid waste.

With unanimous consent, on motion of Senator Tally, the bill is taken up out of its regular order of business.

On motion of Senator Tally, consideration of the bill is postponed until Monday, June 8.

S.B. 1054, a bill to bring Mecklenburg County's Fair Housing Act into compliance with the Federal Fair Housing Act.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.J.R. 1319, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide a procedure for an unaffiliated candidate for President who has qualified for ballot access to name candidates for elector and for Vice-President.

With unanimous consent, on motion of Senator Barnes, the joint resolution is taken up out of its regular order of business.

The joint resolution passes its second (41-0) and third readings and is ordered enrolled.

S.J.R. 990, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to extend the grandfather clause application deadline to October 31, 1992.

The joint resolution passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

S.B. 992, a bill to permit a trust company to be acquired by a bank holding company.

The bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

S.B. 997, a bill to make omnibus and technical changes to the savings institutions laws.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (39-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.J.R. 1034, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued.

The joint resolution passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1041, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to adopt the Venus's-flytrap as the Official Plant of North Carolina.

With unanimous consent, on motion of Senator Hyde, the joint resolution is taken up out of its regular order of business.

The joint resolution passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1051, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring Duke University on winning its second straight NCAA Division I Men's Basketball Championship.

With unanimous consent, on motion of Senator Hyde, the joint resolution is taken up out of its regular order of business.

The joint resolution passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1084, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to clarify that local governmental entities are eligible to receive grant funds for domestic violence centers.

With unanimous consent, on motion of Senator Hyde, the joint resolution is taken up out of its regular order of business.

The joint resolution passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1035, a bill to establish a comprehensive compensation system for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this comprehensive compensation system.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

On motion of Senator Johnson, further consideration of the bill, as amended, is postponed until Tuesday, June 9.

S.J.R. 1068, a joint resolution to commemorate the One Hundredth Anniversary of Forestry in North Carolina.

The joint resolution passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1345, a bill to authorize Bladen, Cumberland, and Hoke Counties to enter into long-term contracts for disposal of solid waste.

On motion of Senator Tally, consideration of the bill is postponed until Monday, June 8.

REPORT TO GENERAL ASSEMBLY

A Commission directed to report to the General Assembly submits a report (See Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Part VI of Chapter 802 of the 1989 Session Laws, as amended by Part III of Chapter 1078 of the 1989 Session Laws, as amended by Part X of Chapter 754 of the 1991 Session Laws, the North Carolina Energy Assurance Study Commission submits its report including the report prepared for the Commission by its contractor, the

National Consumer Law Center entitled "Energy Policy and the Poor (May 1991)" which is required by Section 6.4 of Chapter 802 of the 1989 Session Laws.

WITHDRAWAL FROM CALENDAR

H.B. 192, a bill recommended by the Juvenile Law Study Commission to allow termination of parental rights after a parent has left a child in foster care for twelve months without making reasonable progress towards correcting the conditions that led to foster care, amended, on June 3, and placed on the Calendar for Tuesday, June 9.

Senator Sands offers a motion that the bill, as amended, be taken from the Calendar for Tuesday, June 9, and placed on the Calendar for Wednesday, June 10, which motion prevails.

The Chair orders the bill, as amended, placed on the Calendar for Wednesday, June 10, for consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Plyler offers a motion that Rule 40 be suspended to allow the introduction of the following Senate simple resolution, which motion prevails by a two-thirds majority vote.

By Senators Plyler, Richardson, Odom, Blackmon, Hartsell, Conder, Marvin, Smith, Cochrane, Forrester, Bryan, Allran, and Carter:

S.R. 1221, a Senate simple resolution supporting a national football franchise in Charlotte.

On motion of Senator Plyler, the rules are suspended, and the Senate simple resolution is placed before the Senate for immediate consideration for adoption.

On motion of Senator Plyler, the Senate simple resolution is adopted (41-0). (The text of this resolution appears in the Appendix.)

Senator Barnes offers a motion that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

Senator Barnes offers a motion that the Reading Clerk call the name of the forty-nine sponsors on the bill and that each Senator in attendance stand when called, which motion prevails. The Chair directs the Reading Clerk to read.

By Senators Barnes, Parnell, Sands, Winner, Basnight, Perdue, Martin of Pitt, Hunt, Goldston, Daniel, Conder, Martin of Guilford, Plyler, Richardson, Speed, Carpenter, Forrester, Cochrane, Simpson, Daughtry, Smith, Shaw, Pollard, Ward, Hyde, Kincaid, Bryan, Sherron, Murphy, Walker, Soles, Lee, Tally, Block, Seymour, Kaplan, Blackmon, Allran, Carter, Staton, Warren, Cooper, Plexico, Odom, Marvin, Ballance, Johnson, Hartsell, and Raynor:

S.B. 1220, a bill to name the new Revenue Building.

Senator Kenneth C. Royall, Jr., whose name is proposed to be placed on the newly constructed revenue building, is given a standing ovation.

With unanimous consent, on motion of Senator Barnes, the bill is referred to the **Rules and Operation of the Senate Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Conder for the **Education Committee**:

S.B. 1053, a bill to cancel the school board elections for the Eden City, Western Rockingham City, and Rockingham County School Boards scheduled for November

1992 and to extend terms on those Boards expiring December 1992 to June 30, 1993, with a favorable report.

On motion of Senator Sands, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second (38-0) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Barnes, seconded by Senator Plexico, the Senate adjourns at 2:25 P.M. to meet Monday, June 8, at 8:00 P.M.

ONE HUNDRED SEVENTH DAY

SENATE CHAMBER,
Monday, June 8, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, as the third week of this Session begins, we are indeed thankful for the good and efficient work that has been accomplished here. But just as in the academic venue, when the semester's first exam is being handed out, the pulse quickens and the mouth dries out a bit in anticipation of what is about to take place.

"It is with similar feelings that Your servants gather here. For the bills they have presented to committee will now be considered more broadly by all of their colleagues.

"We seek what is right and what is truthful, yet we do not know all the truth; that is our confession of humanity. Therefore, we ask You to be the Ultimate Arbiter in all the considerations of this week, and may Your Will be done. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of Thursday, June 4, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Hunt and Senator Sherron.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 290, an act to redefine "Employee" and "Employer" in the Local Governmental Employee's Retirement System. (Ch. 762)

H.J.R. 1319, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide a procedure for an unaffiliated candidate for President who has qualified for ballot access to name candidates for elector and for Vice-President. (Res. 31)

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Perdue:

S.B. 1211, a bill to provide training and assistance to the public schools so as to facilitate the implementation of site-based management.

Referred to **Appropriations Committee.**

By Senator Perdue:

S.B. 1212, a bill to appropriate funds to certain coastal area counties for various public projects.

Referred to **Appropriations Committee.**

By Senators Perdue, Allran, Ballance, Blackmon, Bryan, Carpenter, Cochrane, Forrester, Hartsell, Martin of Guilford, Marvin, Odom, Plexico, Richardson, Seymour, and Smith:

S.B. 1213, a bill to provide that distributions and reimbursements to local governments shall be provided by earmarking rather than by appropriation and to remove the cap on these distributions and reimbursements that was added in 1991.

Referred to **Finance Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Perdue:

S.B. 1214, a bill to appropriate funds for a greenhouse and support facilities at the Castle Hayne Horticultural Research Station.

Referred to **Appropriations Committee.**

By Senator Odom:

S.B. 1215, a bill to appropriate funds to St. Marks Center, Inc., for its Community Access Project for special needs children.

Referred to **Appropriations Committee.**

By Senator Odom:

S.B. 1216, a bill to authorize certain boards of education to request and receive a waiver of State laws regarding funding for teacher assistants.

Referred to **Education Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Odom:

S.B. 1217, a bill to authorize the Charlotte-Mecklenburg Board of Education to request and receive a waiver of State laws regarding the assignment of teacher assistants.

Referred to **Education Committee.**

By Senator Barnes:

S.B. 1218, a bill to amend the North Carolina Air Cargo Airport Authority Act and to appropriate funds to the Air Cargo Airport Authority.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Conder, Johnson, and Walker:

S.B. 1219, a bill to appropriate funds to the Governor's Waste Management Board for technical assistance grants to Site Designation Review Committees in the three counties selected for characterization studies for the low-level radioactive waste disposal facility as recommended by the Joint Select Committee on Low-level Radioactive Waste.

Referred to **Appropriations Committee.**

By Senator Plyler:

S.J.R. 1222, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to exempt self-propelled truck cranes from certain size and weight limitations when operating on the highways.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Daughtry:

S.B. 1223, a bill to allow the division to issue restricted commercial driver licenses to seasonal drivers for certain farm-related service industries, and to clarify the laws governing the issuance of limited driving privileges, and to make amendments and technical corrections to the motor vehicle laws.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senators Plyler, Basnight, Forrester, and Odom:

S.B. 1224, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina.

Referred to **Appropriations Committee.**

By Senators Hartsell, Cochrane, and Carpenter:

S.B. 1225, a bill to provide tax incentives to stimulate economic recovery.

Referred to **Finance Committee.**

By Senators Sherron and Carpenter:

S.B. 1226, a bill to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan.

Referred to **State Personnel and State Government Committee.**

By Senator Warren:

S.B. 1227, a bill to appropriate funds for instructional support personnel for the public schools.

Referred to **Appropriations Committee.**

By Senators Richardson and Walker:

S.B. 1228, a bill to appropriate funds to renovate the Meadowview Cottage at Murdoch Center.

Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1229, a bill to authorize the Division of Motor Vehicles to issue a registration plate depicting the Cape Hatteras Lighthouse and providing for the distribution of the income from the sale of the plate.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee.**

By Senator Soles:

S.B. 1230, a bill to establish a commission to study the disposition of cases by the criminal justice system and to suggest changes to improve its efficiency in disposing of cases.

Referred to **Appropriations Committee.**

By Senator Basnight:

S.B. 1231, a bill to appropriate funds to the Critical School Facility Needs Fund to correct a discrepancy in the manner in which grants from the Critical School Facility Needs Fund have been made.

Referred to **Appropriations Committee.**

By Senator Sherron:

S.B. 1232, a bill to reduce State expenditures by providing that unless drug manufacturers agree to reimburse the Teachers' and State Employees' Comprehensive Major Medical Plan for increases in the wholesale price of prescription drugs, such drugs shall not be covered under the Plan.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senators Basnight and Plyler:

S.B. 1233, a bill to further amend Chapter 745 of the 1989 Session Laws to increase the authorized project cost of a wholly self-liquidating project involving a lease between the University of North Carolina at Chapel Hill and the United States Environmental Protection Agency.

Referred to **Appropriations Committee.**

By Senators Plyler, Basnight, and Odom:

S.J.R. 1234, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Goldston:

S.B. 1235, a bill to change the name of the Department of Economic and Community Development, to make technical and conforming amendments to various laws, and to appropriate funds.

Referred to **State Personnel and State Government Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

By Senator Martin of Guilford:

S.B. 1236, a bill to provide that the Legislative Research Commission may study the treatment of sex offenders.

Referred to **Appropriations Committee.**

By Senator Daniel:

S.B. 1237, a bill to provide the remainder of the partial relief allowed in 1990 to Subchapter S Corporations for loss carryforwards.

Referred to **Finance Committee.**

By Senators Daniel, Warren, Smith, Seymour, and Marvin:

S.B. 1238, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for local government units for water supply systems, wastewater collection systems, or wastewater treatment works.

Referred to **Finance Committee.**

By Senator Daniel:

S.B. 1239, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for facilities for mental health, developmental disabilities, and substance abuse services.

Referred to **Finance Committee.**

By Senators Daniel, Forrester, and Seymour:

S.B. 1240, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for public school buildings for grades K through twelve.

Referred to **Finance Committee.**

By Senators Daniel, Warren, Forrester, Seymour, and Marvin:

S.B. 1241, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for improvements for community colleges.

Referred to **Finance Committee.**

By Senators Daniel, Warren, Forrester, Seymour, and Marvin:

S.B. 1242, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other

available funds, for capital improvements for certain of the constituent institutions of the University of North Carolina.

Referred to **Finance Committee.**

By Senator Daniel:

S.J.R. 1243, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to clarify the exclusion of nonpublic schools from the day care law.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Daniel:

S.J.R. 1244, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to impose additional civil penalties for the illegal manufacture and sale of alcoholic beverages.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Odom:

S.B. 1245, a bill to provide that joint agencies created by interlocal agreement to operate public broadcasting television stations are eligible for sales tax refunds provided to governmental entities.

Referred to **Finance Committee.**

By Senator Block:

S.B. 1246, a bill to appropriate funds for a feasibility study on the deepening of Wilmington Harbor.

Referred to **Appropriations Committee.**

By Senator Royall:

S.B. 1247, a bill to revise the management of state executive information technology, to appropriate funds to the office of state controller for design and implementation of a new state accounting system pursuant to the actions of the revised management structure, and to prohibit expenditure of funds for development of mainframe computer systems without approval of the revised management structure.

Referred to **Appropriations Committee.**

By Senators Odom and Forrester:

S.B. 1248, a bill to provide that a taxpayer who owes less than $500.00 of individual income tax above the amount withheld from wages is not subject to a penalty for underpayment of estimated taxes, thus conforming the State's penalty threshold to the federal penalty threshold.

Referred to **Finance Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

S.B. 289, a bill to remove the age limit for restoration to membership for a disability beneficiary in the Local Governmental Employees' Retirement System and the Teachers' and State Employees Retirement System, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 9.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

H.B. 1344, a bill to modify the provisions governing expenditure of the Hyde County Occupancy Tax.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1369, a bill to amend the General Statutes relating to shellfish leases.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following joint resolutions, which are read the first time and disposed of, as follows:

H.J.R. 1434, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the memory of General Benjamin Smith on the Bicentennial of the City of Southport.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 1438, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 1450, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to abolish the North Carolina Council on Interstate Cooperation, which has not met since 1979.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 1508, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to amend Chapter 501 of the 1989 Session Laws regarding a wholly self-liquidating capital project at the University of North Carolina at Asheville.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 1509, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to amend Chapter 1092 of the 1987 Session Laws, Regular Session 1988, regarding a wholly self-liquidating project at Elizabeth City State University.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 1510, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects on the Centennial Campus of North Carolina State University at Raleigh.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 1511, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina.

Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 998, a bill to create the Sanford-Lee County Regional Airport Authority, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—43.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1061, a bill to authorize Bladen, Cumberland, and Hoke Counties to enter into long-term contracts for disposal of solid waste.

Without objection, on motion of Senator Tally, the bill is temporarily displaced.

S.B. 1073, a bill to allow counties to require prisoners to work on projects to benefit units of State or local government.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1345, a bill to authorize Bladen, Cumberland, and Hoke Counties to enter into long-term contracts for disposal of solid waste.

The bill passes its second (47-0) and third readings and is ordered enrolled.

S.B. 1061, a bill to authorize Bladen, Cumberland, and Hoke Counties to enter into long-term contracts for disposal of solid waste, temporarily displaced earlier.

On motion of Senator Tally, consideration of the bill is postponed until tomorrow, June 9.

The President recognizes the following pages serving in the Senate this week: James A. Bailey, Raleigh; Christopher Neil Bridges, Cary; Caroline Taylor Crawford, Flat Rock; Margaret Lane DeRamus, Winston-Salem; B. J. Faulk, Monroe; Hugh Perry Horton, Sanford; Angela Hough, Middlesex; Shannon Marie Howard, Monroe; Sasha Diane Lanning, Garner; Amy Lawing, Winston-Salem; Mary Lynn Lee, Raleigh; Jeff Marvin, Winston-Salem; Philip Howard McKinley, Winston-Salem; John McGee Morton, Raleigh; Jonathan Archer Murfee, Winston-Salem; Carmen Paige Pearce, Raleigh; I. Hanes Roberts, Raleigh; Paul Sconyers, Durham; Emily Ann Warren, Clinton; Erin Michelle Warren, Clinton; LaTashia Yvette Williams, Raleigh; A. Brooke Wilson, Eden; and Gregory Alan Workman, Burlington.

On motion of Senator Barnes, seconded by Senator Sands, the Senate adjourns at 8:45 P.M. to meet tomorrow, June 9, at 1:30 P.M.

ONE HUNDRED EIGHTH DAY

SENATE CHAMBER,
Tuesday, June 9, 1992.

The Senate meets pursuant to adjournment and, in the absence of the Lieutenant Governor, is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

Prayer is offered by the Dr. Larry Ziglar, President of Wingate College, Wingate, as follows:

"As I pray, I will pray to my God that I worship, and you pray to the God that you worship and hopefully the thoughts will be together."

"God, You ask so very little of us, but to love mercy, do justice, and to walk humbly. Help us, God, to love mercy as we deal with the poor and powerless. Help us, God, to do justice as we exist among the rich and influential. Help us, God, to walk humbly and not be corrupted by the power we hold.

"You have told us, Jehovah, through Your Prophets that the old should dream dreams and the young have visions, but how can we have a dream with our society burdened with the debt of trillions of dollars; threatened with the burden of aids and cancer? How can we have a dream when the American dream of jobs and opportunities is fast vanishing for our children and youth? How can we have a vision when our skies are no longer spacious, but too polluted to see clearly? How can we have a vision when our rivers are so polluted that there is no 'sea-to-shining-sea'? How can we have a vision of Your purple-mountain majesty when our forests are turning brown and dying?

"But, Yawheh, we know that You have created us just a little lower that the angels and have given us minds above all other living creatures, and we know, too, that You ordained government to give order to Your higher creation, and You gave laws to bring us peace and prosperity.

"We know, God of all peoples and nations, that without vision the people perish, not from danger without but from the enemy within. So I thank You, God, today that here on this floor we have men and women of vision. Empower these leaders, God, with courage to fight both the forces of riches and power and the mob rule of demagoguery.

"Help them to chart a course that will restore education of our youth to a place of leadership; that will cause the mountains of North Carolina to bloom again with forest and industry and craftsmen; that will have our streams and oceans clean for the followers of the Great Fisherman. Help us to give hope to the homeless, restore faithfulness and fidelity to families, give good cheer and not abuse to children, give love and assistance to the aged, give medicine and succor to the suffering, make employment for the eager and needing.

"Help us, as leaders, to teach the healthy, talented, and prosperous in our society that success demands philantrophy, that strength and power demand meekness, and that no people can be a great people without being a good people.

"Help us to know, God of all wisdom and understanding, that the only true and lasting wealth comes with building bridges for others, that the toll over the bridge to Paradise is paid by sacrifice here on earth, and those who would be great must be the servant of all.

"We are elected, God, entrusted by democracy, to serve the people. Help us today to get on with our job. In the Name of Jesus the Christ, I pray. Amen."

Senator Royall, Deputy President *Pro Tempore*, announces the Journal of yesterday, June 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Bryan for personal reasons.

The Chair recognizes Senator Cooper who offers a motion that the fourth grade class of Mrs. Bonnie Lovelace from Benvenue Elementary School in Rocky Mount be granted privileges of the floor for the purpose of presenting to the membership a dramatic presentation on the plight of North Carolina State Parks in honor of Senator J. K. Sherron, Co-Chairman of the State Parks Study Commission, who recently underwent open-heart surgery, which motion prevails.

The Chair directs Senator Cooper and Senator Sherron to escort the group to the Well of the Senate for the presentation (See Appendix). Members respond with a standing ovation. Senator Cooper and Senator Sherron escort the class from the Chamber.

RE-REFERRALS

S.B. 1087, a bill to create a new offense of third degree trespass in Rowan County, referred to **Judiciary II Committee** on June 2, 1992.

Senator Sands offers a motion that the rules be suspended and the bill be taken from the **Judiciary II Committee** and re-referred to the **Local Government and Regional Affairs Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Local Government and Regional Affairs Committee**.

H.B. 305, a bill to revise the essential elements required to prove armed robbery, referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee** on July 2, 1991.

Senator Raynor offers a motion that the rules be suspended and the bill be taken from the **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee** and re-referred to the **Judiciary I Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary I Committee**.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 1345, an act to authorize Bladen, Cumberland, and Hoke Counties to enter into long-term contracts for disposal of solid waste. (Ch. 763)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Judiciary I Committee**:

H.B. 277, a bill to clarify the authority of the Commissioner of Banks under the Consumer Finance Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 277** (Senate Committee Substitute), a bill to clarify and further regulate other business authority under the North Carolina Consumer Finance Act, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 10, for further consideration.

ADDITIONAL ENDORSEMENTS

The following Senators request to be recorded endorsing bills previously introduced:

By Senators Seymour and Warren:

S.B. 1239, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for facilities for mental health, developmental disabilities, and substance abuse services.

By Senator Warren:

S.B. 1240, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for public school buildings for grades K through twelve.

INTRODUCTION OF RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Cooper:
S.J.R. 1249, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to amend the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association.
Referred to **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special Messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of, as follows:

H.B. 1349, a bill to authorize the City of Kinston to impose a tax on motor vehicles of up to fifteen dollars.
Referred to **Finance Committee.**

H.B. 1367, a bill to authorize the Town of Yaupon Beach to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

H.B. 1378, a bill to authorize Washington County to levy a room occupancy and tourism development tax.
Referred to **Finance Committee.**

H.B. 1382, a bill to allow the Town of Hillsborough to raise the tax on motor vehicles.
Referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 1061, a bill to authorize Bladen, Cumberland, and Hoke Counties to enter into long-term contracts for disposal of solid waste.
Senator Tally offers a motion that the bill be postponed indefinitely, which motion prevails. The bill lies upon the table.

S.B. 1035, a bill to establish a comprehensive compensation system for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of appropriations for implementation of this comprehensive compensation system, as amended.
Senator Johnson offers Amendment No. 2 which is adopted (44-0).
The bill, as amended, passes its second reading (48-0).
Senator Shaw objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, June 10, for further consideration, upon third reading.

H.B. 1000 (Committee Substitute), a bill to establish the North Carolina Community Trust for persons with severe chronic disabilities.
The Committee Substitute bill passes its second reading (47-0).
Senator Soles objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, June 10, for further consideration, upon third reading.

S.B. 289, a bill to remove the age limit for restoration to membership for a disability beneficiary in the Local Governmental Employees' Retirement System and the Teachers' and State Employees Retirement System, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (48-0) and the measure is ordered enrolled.

REPORT TO GENERAL ASSEMBLY

A Board directed to report to the General Assembly submits a report (See Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 689, Sec. 55 of the 1991 Session Laws (H.B. 83), the Board of Governors of the University of North Carolina and the State Board of Community Colleges submit a Memorandum of Agreement between the Department of Community Colleges and the University of North Carolina with respect to Small Business Assistance Programs and Services provided through the Community Colleges' Small Business Centers and the University's Small Business and Technology Development Center.

RE-REFERRALS

S.B. 1237, a bill to provide the remainder of the partial relief allowed in 1990 to Subchapter S Corporations for loss carryforwards, referred to the **Finance Committee** on June 8, 1992.

Senator Daniel offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee** and upon receipt of a favorable report, recommitted to the **Finance Committee**.

S.B. 1238, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for local government units for water supply systems, wastewater collection systems, or wastewater treatment works, referred to the **Finance Committee** on June 8, 1992.

Senator Daniel offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee** and upon receipt of a favorable report, recommitted to the **Finance Committee**.

S.B. 1239, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds for facilities for mental health, developmental disabilities, and substance abuse services, referred to the **Finance Committee** on June 8, 1992.

Senator Daniel offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee** and upon receipt of a favorable report, recommitted to the **Finance Committee**.

S.B. 1240, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for public school buildings for grades K through twelve, referred to the **Finance Committee** on June 8, 1992.

Senator Daniel offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee** and upon receipt of a favorable report, recommitted to the **Finance Committee**.

S.B. 1241, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for improvements for community colleges, referred to the **Finance Committee** on June 8, 1992.

Senator Daniel offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee** and upon receipt of a favorable report, recommitted to the **Finance Committee**.

S.B. 1242, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for capital improvements for certain of the constituent institutions of the University of North Carolina, referred to the **Finance Committee** on June 8, 1992.

Senator Daniel offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee** and upon receipt of a favorable report, recommitted to the **Finance Committee**.

S.B. 928, a bill to authorize the issuance of six hundred million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for general State purposes, referred to the **Finance Committee** on May 13, 1991.

Senator Daniel offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee** and upon receipt of a favorable report, recommitted to the **Finance Committee**.

On motion of Senator Royall, seconded by Senator Conder, the Senate adjourns at 2:30 P.M. to meet tomorrow, June 10, at 1:30 P.M.

ONE HUNDRED NINTH DAY

SENATE CHAMBER,
Wednesday, June 10, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, all the considerations in this room today will deal in some way with the issue of power; who gets it, who doesn't, when, how will it be administered. The task of distributing this power isn't easy.

"If as Benjamin Disraeli once said, 'All power is trust,' our prayer today is that the Senators who have been entrusted with power will be worthy stewards of its exercise.

"We also pray for the President of the Senate, Lieutenant Governor Jim Gardner, who will undergo surgery tomorrow. Under Your guidance and the skill of the surgeon, may the operation be successful and his recovery quick.

"When one in the community is affected, all are affected.
"Thank You, in advance, for Your answer to this prayer. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, June 9, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Ballance.

The Chair announces the arrival of the Winston-Salem Greyhounds, who won the Pop Warner National Pee Wee Football Championship in 1988, 1990, and 1991. Without objection, the Chair appoints Senator Ward of Forsyth County and Gerda Pleasants, Sergeant-at-Arms, to escort the team and members of the coaching staff to the Well of the Senate.

Senator Ward introduces the group and Tom Woollen, coach of the Greyhounds, briefly addresses the membership. The honored guests are escorted from the Chamber by Senator Ward and Mrs. Pleasants.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Seymour for the **Public Utilities Committee:**

S.B. 1072, a bill to set the Rural Electrification Authority regulatory fee for the 1992-93 fiscal year and to require the General Assembly to enact legislation setting the fee in future fiscal years only if the fee is to be higher than the fee set for the 1992-93 fiscal year, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 1069, a bill to amend and restate the Charter of the Greenville Utilities Commission of the City of Greenville, with a favorable report, as amended.

On motion of Senator Seymour, the bill is placed on the Calendar for Tuesday, June 16, for consideration.

By Senator Lee for the **Local Government and Regional Affairs Committee:**

S.B. 1077, a bill to permit the County of Stanly to rename County public and private roads, with a favorable report.

S.B. 1078, a bill to abolish the Office of City Treasurer of the City of Monroe, with a favorable report.

S.B. 1079, a bill to allow Stanly County to acquire property for use by the Stanly County Schools and the Albemarle City Schools and to authorize boards of education in Stanly County to convey property to the County in connection with improvements and repair of the property, with a favorable report.

S.B. 1087, a bill to create a new offense of third degree trespass in Rowan County, with a favorable report.

S.B. 1088, a bill to make administrative changes to the Rowan occupancy tax law, with a favorable report.

S.B. 1100, a bill to amend the law regarding appointments to the Board of Commissioners of the Nash County Hospital Authority, with a favorable report.

S.B. 1127, a bill to extend the exemption of Union County from certain statutory requirements in the construction of a County detention facility, with a favorable report.

S.B. 1134, a bill to establish the corporate limits of the Town of Benson, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 1146, a bill to provide an election procedure for midterm vacancies in Tabor City, with a favorable report.

S.B. 1150, a bill to allow Union County to create Fire Protection Districts in which fire protection is funded by fees rather than taxes, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 1165, a bill to authorize the Towns of Cornelius and Davidson in Mecklenburg County to regulate in certain extraterritorial areas, with a favorable report.

H.B. 1344, a bill to modify the provisions governing expenditure of the Hyde County Occupancy Tax, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 1033, a bill to permit the City of Charlotte to install traffic signs and other traffic control devices on its municipal street system streets when conditions require traffic control standards that are more stringent than those contained in the uniform manual, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lee, the rules are suspended, and the Committee Substitute bill which changes the title to read **S.B. 1033** (Committee Substitute), a bill requiring traffic signs and other traffic control devices placed on a municipal street system street to conform to the appearance criteria of the manual on uniform traffic control devices, is placed before the Senate for immediate consideration.

On motion of Senator Lee, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 11, for further consideration.

By Senator Odom for the **Insurance Committee**:

S.B. 1004, a bill to provide for improvements in the operations of the FAIR and Beach Plans, with a favorable report.

H.B. 846, a bill to amend insurance laws relating to insurance premium financing, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Odom, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 846** (Senate Committee Substitute), a bill to amend and make technical corrections to various insurance laws and to clarify the uninsured and underinsured motorists law, is placed before the Senate for immediate consideration.

On motion of Senator Odom, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, June 11, for further consideration.

By Senator Speed for the **Agriculture, Marine Resources, and Wildlife Committee**:

S.B. 1058, a bill to amend the General Statutes relating to shellfish leases, with a favorable report, as amended.

S.B. 1066, a bill to amend the title and scope of the Agriculture, Forestry, and Seafood Awareness Study Commission by deleting seafood from the Commission's title and area of study, with a favorable report, as amended.

S.B. 1062, a bill to limit the liability of farmers who allow gleaning, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

By Senator Winner for the **Rules and Operation of the Senate Committee**:

S.J.R. 1194, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions and to levy a fee for filing an appeal to the Property Tax Commission, with a favorable report.

S.J.R. 1209, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to remove the requirement that a person be a resident of the State in order to obtain a hunting and fishing guide license, with a favorable report.

S.J.R. 1222, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to exempt self-propelled truck cranes from certain size and weight limitations when operating on the highways, with a favorable report.

S.J.R. 1234, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, with a favorable report.

S.J.R. 1243, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to clarify the exclusion of nonpublic schools from the day care law, with a favorable report.

S.J.R. 1244, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to impose additional civil penalties for the illegal manufacture and sale of alcoholic beverages, with a favorable report.

H.J.R. 1331, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to adopt Folkmoot USA as North Carolina's Official International Folk Festival, with a favorable report.

H.J.R. 1438, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to make various technical amendments to the General Statutes as recommended by the General Statutes Commission, with a favorable report.

H.J.R. 1450, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to abolish the North Carolina Council on Interstate Cooperation, which has not met since 1979, with a favorable report.

S.B. 1220, a bill to name the new Revenue Building, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendments No. 1 and No. 2, are adopted. Amendment No. 2 changes the title to read **S.B. 1220**, a bill to name the new Revenue Building and to make an appropriation for the Building's signage.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

By Senator Conder for the **Education Committee:**

S.B. 1120, a bill to allow Cabarrus County to acquire property for use by the Cabarrus County Schools and the Kannapolis City Schools, with a favorable report.

S.B. 1126, a bill to allow Franklin County to acquire property for use by the County Boards of Education, with a favorable report.

S.B. 1133, a bill to allow Johnston County to acquire property for use by its Board of Education, with a favorable report.

S.B. 1175, a bill to allow Stanly and Iredell Counties to acquire property for use by the County Boards of Education and to authorize Boards of Education in Stanly, Richmond, and Iredell Counties to convey property to the County in connection with improvements and repair of the property, with a favorable report.

S.B. 1081, a bill to validate school mergers and clarify merger laws so as to eliminate the need for substantial appropriations for separate central staffs, and so as to clarify a 1991 special budget provision, with a favorable report.

On motion of Senator Conder, the rules are suspended and the bill is placed on the Calendar for today, for consideration upon second reading in its regular order of business.

S.B. 1152, a bill to change the pay date for certain employees of the Pitt County Schools, with a favorable report, as amended.

H.B. 1372, a bill to change the pay date for certain employees of the Charlotte/ Mecklenburg schools, with a favorable report, as amended.

By Senator Sherron for the **State Personnel and State Government Committee:**

S.B. 1106, a bill to require the State Controller to report to the Joint Legislative Commission on Governmental Operations before he spends more for the State computer system than was anticipated in the budget for the fiscal period, with a favorable report.

S.B. 1143, a bill to clarify the law regarding the computation of the minimum number of bids required for capital projects, with a favorable report.

CONFIRMATION BY THE SENATE

Senator Sherron, Chairman of the **State Personnel and State Government Committee**, submits the following report with recommendation as to confirmation by the Senate of the appointment by the Governor.

BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

In compliance with the provisions of G.S. 135-6 requiring appointees to the Board of Trustees of the Teachers' and State Employees' Retirement System to be confirmed by the Senate, Governor Martin has submitted his appointments, James M. Cooper, James R. Hawkins, W. Eugene McCombs, and Clyde R. Cook, Jr., for confirmation. The terms of Messrs. Cooper, Hawkins and McCombs, who are being reappointed, will begin immediately and will expire on April 1, 1996. The term of Mr. Cook will begin immediately and will expire April 4, 1995.

The Senate Committee on State Personnel and State Government has considered the appointments and makes the following recommendation to the Senate:

> That the appointments of James M. Cooper, James R. Hawkins and W. Eugene McCombs beginning immediately and expiring April 1, 1996, and Clyde R. Cook, Jr. beginning immediately and expiring April 4, 1995, to the Board of Trustees of the Teachers' and State Employees' Retirement System be confirmed.

Without objection, on motion of Senator Sherron, the Chair orders the Report placed on the Calendar for immediate consideration.

Pursuant to G.S. 135-6 and the recommendation submitted by Senator Sherron for the **State Personnel and State Government Committee**, Senator Sherron offers a motion that the appointments of James M. Cooper, James R. Hawkins and W. Eugene McCombs beginning immediately and expiring April 1, 1996, and Clyde R. Cook, Jr. beginning immediately and expiring April 4, 1995, to the Board of Trustees of the Teachers' and State Employees' Retirement System be confirmed, which motion prevails by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The Chair declares the appointments by the Governor confirmed.

The Chair orders a special message sent to the House of Representatives advising that Honorable Body of the action of the Senate, and further orders the statutory notification pursuant to G.S. 143-47.7.

RECALL FROM ENROLLING OFFICE

S.B. 289

Senator Block offers a motion that **S.B. 289**, a bill to remove the age limit for restoration to membership for a disability beneficiary in the Local Governmental Employees' Retirement System and the Teachers' and State Employees Retirement System, be recalled from the Enrolling Office for further consideration, which motion prevails. The enrolling clerk returns the bill to the Senate for further consideration.

Senator Block offers a motion that the vote by which the Senate concurred in House Amendment No. 1 be reconsidered, which motion prevails, and the question becomes concurrence of House Amendment No. 1.

The Senate fails to concur in House Amendment No. 1 (1-46).

Senator Block offers a motion that the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* takes the motion under advisement.

REPORTS OF COMMITTEES (Continued)

By Senator Hyde for the **Constitution Committee**:

S.R. 1096, a Senate simple resolution to commemorate the Seven Hundred Seventy-seventh Anniversary of the *Magna Carta*, with a favorable report.

On motion of Senator Hyde, the Senate simple resolution is placed on the Calendar for Monday, June 15, for adoption.

By Senator Daniel for the **Finance Committee**:

S.B. 967, a bill to revise and consolidate the Charter of the Town of Selma, with a favorable report.

S.B. 1009, a bill making technical and administrative changes to the license and excise tax laws, with a favorable report.

S.B. 1012, a bill to reinstate two sales tax provisions that were inadvertently deleted in prior legislation, with a favorable report.

S.B. 1013, a bill to ensure that the amount of a bond filed as a condition of appealing a tax decision to court is adequate to cover any liability determined on appeal, with a favorable report.

S.B. 1015, a bill to relieve a seller who sells property under a certificate of resale of the burden of proving that the sale was for resale and to provide a penalty for a purchaser who misuses a certificate of resale, with a favorable report.

S.B. 1019, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County, with a favorable report.

S.B. 1031 (Committee Substitute), a bill to incorporate Woodlake Village in Moore County, subject to a referendum, with a favorable report.

On motion of Senator Daniel, the Committee Substitute bill is placed on the Calendar for Tuesday, June 16, for consideration.

S.B. 1076, a bill to authorize the City of Albemarle to levy a room occupancy tax, with a favorable report.

On motion of Senator Daniel, the bill is placed on the Calendar for Tuesday, June 16, for consideration.

S.B. 969, a bill to exempt from sales and use taxes food that is acquired at wholesale and then donated to a nonprofit organization, with a favorable report, as amended.

On motion of Senator Daniel, the bill is placed on the Calendar for Tuesday, June 16, for consideration.

S.B. 1040, a bill to modify the maximum tax limit for the Town of Badin and change the method of calculating limits on increases, with a favorable report, as amended.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 1081, a bill to validate school mergers and clarify merger laws so as to eliminate the need for substantial appropriations for separate central staffs, and so as to clarify a 1991 special budget provision, upon second reading, placed on today's Calendar by motion earlier today.

Senator Royall offers Amendment No. 1.

The Chair orders, without objection, the bill temporarily displaced, with Amendment No. 1 pending.

INTRODUCTION OF BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Cooper:

S.B. 1250, a bill to reduce the soft drink tax on juice concentrates.

Senator Cooper offers a motion that the bill be held in the Office of the Principal Clerk, which motion prevails.

The bill is ordered held in the Office of the Principal Clerk.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 607 (House Committee Substitute), a bill to permit certain counties to use property tax funds for housing rehabilitation programs already authorized by law, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, June 11.

CALENDAR (Continued)

H.B. 192, a bill recommended by the Juvenile Law Study Commission to allow termination of parental rights after a parent has left a child in foster care for twelve months without making reasonable progress towards correcting the conditions that led to foster care, as amended.

On motion of Senator Odom, further consideration of the bill, as amended, is postponed until Wednesday, June 17.

The President relinquishes the gavel to Senator Barnes, President *Pro Tempore*, who presides in his absence.

H.B. 277 (Senate Committee Substitute), a bill to clarify and further regulate other business authority under the North Carolina Consumer Finance Act.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 1081, a bill to validate school mergers and clarify merger laws so as to eliminate the need for substantial appropriations for separate central staffs, and so as to clarify a 1991 special budget provision, upon second reading, with Amendment No. 1 pending, temporarily displaced earlier.

Amendment No. 1, offered by Senator Royall, is adopted (44-0).

Without objection, on motion of Senator Hunt, privileges of the floor are granted to Gerry Cohen, Director of Bill Drafting, for the purpose of assisting in the explanation of the measure.

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Seymour, Sherron, Simpson, Smith, Soles, Staton, Tally, Ward, Warren, and Winner—42.

Voting in the negative: Senators Royall, Shaw, and Speed—3.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 11, for further consideration upon third reading.

S.B. 1035, a bill to establish a comprehensive compensation system for State employees subject to Chapter 126 of the General Statutes and to direct the distribution of

appropriations for implementation of this comprehensive compensation system, as amended, upon third reading.

The bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives.

H.B. 1000 (Committee Substitute), a bill to establish the North Carolina Community Trust for persons with severe chronic disabilities, upon third reading.

Senator Daniel, Chairman of the **Finance Committee**, requests a fiscal note on the Committee Substitute bill. Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Monday, June 15, for receipt of the fiscal note.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 289, a bill to remove the age limit for restoration to membership for a disability beneficiary in the Local Governmental Employees' Retirement System and the Teachers' and State Employees Retirement System.

The motion of Senator Block, prevailing earlier today, on S.B. 289, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Block (Chairman), Richardson, and Johnson as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Royall, seconded by Senator Johnson, the Senate adjourns at 2:45 P.M. to meet tomorrow, June 11, at 1:30 P.M.

ONE HUNDRED TENTH DAY

SENATE CHAMBER,
Thursday, June 11, 1992.

The Senate meets pursuant to adjournment and, in the absence of the Lieutenant Governor, is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Major decisions could be made more easily, Oh God, if we were able to view life from the mountaintop everyday. We could see where we have been and where we are going. We have also learned from our spiritual teachers that the mountaintop is where we find You, high and lifted up.

"Why then is most of life lived somewhere on the road between the valley and the mountain top, where we must make choices of direction and decision with a great deal of ambiguity, not able to see around the next curve.

"It just might be that in our frustration and confusion we are compelled to call out in faith, and to our surprise, we find You are right along side of us, not high and lifted up; and as the Prophet Isaiah said: 'You are bringing low the mountains and making the crooked places straight.'

"What a great word of encouragement today wherever we are on our journey. Amen."

Senator Royall, Deputy President *Pro Tempore*, announces that the Journal of yesterday, June 10, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Lee, who is attending a meeting at the University of North Carolina at Chapel Hill; to Senator Warren, who is attending a dedication ceremony at the Kinston DuPont Plant; and to Senator Daniel.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary I Committee:**

H.B. 303, a bill to allow more than one postponement of foreclosure sales within the ninety-day postponement period, with a favorable report, as amended.

By Senator Tally for the **Environment and Natural Resources Committee:**

S.B. 1158, a bill to permit the State of North Carolina to grant a utility easement to Carolina Power and Light Company across Umstead Park, to require the Department of Transportation to maintain parking lots in the State parks and recreation areas, and to conform statutes relating to rule offenses committed in the State parks and recreation areas, with a favorable report.

S.B. 1156, a bill to allow closed-loop groundwater remediation systems, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 15, for further consideration.

S.B. 1169, a bill to clarify certain deductibles applicable to the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund, to make current landowners who engage in cleanups eligible for reimbursement from the Commercial Fund, and to add two members to the Petroleum Underground Storage Tank Funds Council, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 15, for further consideration.

By Senator Block for the **Pensions and Retirement Committee:**

S.B. 1037, a bill to increase the retirement formulas and to provide adjusting increases to retirees of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 1168, a bill an act to remove the City of Concord's local modifications to G.S. 58-84-30 and G.S. 58-84-35, with a favorable report.

By Senator Sands for the **Judiciary II Committee:**

H.B. 217 (Committee Substitute), a bill to punish as a felony an assault committed with intent to kill or intent to inflict extremely serious injury, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 217** (Senate

Committee Substitute), a bill to create a new offense of stalking, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 16, for further consideration.

By Senator Staton for the **Banks and Thrift Institutions Committee:**

S.B. 995, a bill to allow banks and savings associations to merge or consolidate and to transfer assets and liabilities to one another, with a favorable report, as amended.

S.B. 996, a bill to eliminate the faithful performance coverage requirements for credit unions, with a favorable report, as amended.

By Senator Odom for the **Insurance Committee:**

S.B. 999, a bill to amend the Medicare Supplement Insurance Statutes as required by federal law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Odom, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 15, for further consideration.

By Senator Sherron for the **State Personnel and State Government Committee:**

S.B. 1129, a bill to extend the North Carolina Sentencing and Policy Advisory Commission and to adjust its reporting dates and membership accordingly, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 15, for further consideration.

By Senator Seymour for the **Public Utilities Committee:**

S.B. 1125, a bill to provide that Franklin County is authorized to construct gas lines, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Seymour, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 15, for further consideration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

H.B. 1436, a bill to amend the charter of the City of Raleigh to allow for contracts with federal agencies to assist other governments.

Referred to **Local Government and Regional Affairs Committee.**

H.J.R. 1574, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of Carson Gregory, former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 289

House of Representatives
June 11, 1992

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to SB. No. 289, A BILL TO BE ENTITLED AN ACT TO REMOVE THE AGE LIMIT FOR RESTORATION TO MEMBERSHIP FOR A DISABILITY BENEFICIARY IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND THE TEACHERS' AND STATE EMPLOYEES RETIREMENT SYSTEM the Speaker has appointed as conferees on the part of the House, Representatives Nye, Greenwood, and Brawley to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

RESOLUTION FROM ANOTHER STATE

The following resolution is received from another legislative body (See Addendum), presented to the Senate, read, and ordered placed on file in the Office of the Principal Clerk.

Ohio House of Representatives Concurrent Resolution Number 24, a resolution Memorializing Congress to review the provisions of the Social Security Act known as the Social Security Offset and Windfall.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 967, a bill to revise and consolidate the Charter of the Town of Selma, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Winner—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 15, for further consideration upon third reading.

S.B. 1019, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Blackmon, Block, Carpenter, Carter, Conder, Cooper, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard,

Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, and Winner—35.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 15, for further consideration upon third reading.

S.B. 1040, a bill to modify the maximum tax limit for the Town of Badin and change the method of calculating limits on increases, upon second reading.

On motion of Senator Daniel, Committee Amendment No. 1, held to be material, is adopted, constituting the first reading of the measure.

The Chair orders the bill, as amended, placed on the Calendar for Monday, June 15, for further consideration upon second reading.

S.B. 1033 (Committee Substitute), a bill requiring traffic signs and other traffic control devices placed on a municipal street system street to conform to the appearance criteria of the manual on uniform traffic control devices.

The Committee Substitute bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1077, a bill to permit the County of Stanly to rename County public and private roads.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1078, a bill to abolish the Office of City Treasurer of the City of Monroe.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1079, a bill to allow Stanly County to acquire property for use by the Stanly County Schools and the Albemarle City Schools and to authorize boards of education in Stanly County to convey property to the County in connection with improvements and repair of the property.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1087, a bill to create a new offense of third degree trespass in Rowan County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1088, a bill to make administrative changes to the Rowan occupancy tax law.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1100, a bill to amend the law regarding appointments to the Board of Commissioners of the Nash County Hospital Authority.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1120, a bill to allow Cabarrus County to acquire property for use by the Cabarrus County Schools and the Kannapolis City Schools.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1126, a bill to allow Franklin County to acquire property for use by the County Boards of Education.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1127, a bill to extend the exemption of Union County from certain statutory requirements in the construction of a County detention facility.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1133, a bill to allow Johnston County to acquire property for use by its Board of Education.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1146, a bill to provide an election procedure for midterm vacancies in Tabor City.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1175, a bill to allow Stanly and Iredell Counties to acquire property for use by the County Boards of Education and to authorize Boards of Education in Stanly, Richmond, and Iredell Counties to convey property to the County in connection with improvements and repair of the property.

With unanimous consent, on motion of Senator Conder, the bill is taken up out of its regular order of business.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1152, a bill to change the pay date for certain employees of the Pitt County Schools.

On motion of Senator Conder, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1165, a bill to authorize the Towns of Cornelius and Davidson in Mecklenburg County to regulate in certain extraterritorial areas.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 1372, a bill to change the pay date for certain employees of the Charlotte/Mecklenburg schools.

On motion of Senator Conder, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 1081, a bill to validate school mergers and clarify merger laws so as to eliminate the need for substantial appropriations for separate central staffs, and so as to clarify a 1991 special budget provision, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Winner—41.

Voting in the negative: Senator Royall—1.

Without objection, on motion of Senator Hunt, the bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1009, a bill making technical and administrative changes to the license and excise tax laws, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Winner—40.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 15, for further consideration upon third reading.

S.B. 1012, a bill to reinstate two sales tax provisions that were inadvertently deleted in prior legislation, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Winner—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 15, for further consideration upon third reading.

S.B. 1015, a bill to relieve a seller who sells property under a certificate of resale of the burden of proving that the sale was for resale and to provide a penalty for a purchaser who misuses a certificate of resale, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Winner—43.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 15, for further consideration upon third reading.

S.B. 1058, a bill to amend the General Statutes relating to shellfish leases.

With unanimous consent, on motion of Senator Perdue, the bill is taken up out of its regular order of business.

On motion of Senator Perdue, consideration of the bill is postponed until Thursday, June 25.

S.B. 1004, a bill to provide for improvements in the operations of the FAIR and Beach Plans.

The bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1013, a bill to ensure that the amount of a bond filed as a condition of appealing a tax decision to court is adequate to cover any liability determined on appeal.

The bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1066, a bill to amend the title and scope of the Agriculture, Forestry, and Seafood Awareness Study Commission by deleting seafood from the Commission's title and area of study.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (43-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1106, a bill to require the State Controller to report to the Joint Legislative Commission on Governmental Operations before he spends more for the State computer system than was anticipated in the budget for the fiscal period.

The bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1143, a bill to clarify the law regarding the computation of the minimum number of bids required for capital projects.

The bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

S.B. 1009, a bill making technical and administrative changes to the license and excise tax laws, placed on the Calendar for Monday, June 15, earlier today for further consideration, upon third reading.

Senator Winner offers a motion that the bill be taken from the Calendar for Monday, June 15, and be placed on the Calendar for Tuesday, June 16, which motion prevails.

The bill is placed on the Calendar for Tuesday, June 16, for further consideration upon third reading.

S.B. 1012, a bill to reinstate two sales tax provisions that were inadvertently deleted in prior legislation, placed on the Calendar for Monday, June 15, earlier today for further consideration, upon third reading.

Senator Winner offers a motion that the bill be taken from the Calendar for Monday, June 15, and be placed on the Calendar for Tuesday, June 16, which motion prevails.

The bill is placed on the Calendar for Tuesday, June 16, for further consideration upon third reading.

S.B. 1015, a bill to relieve a seller who sells property under a certificate of resale of the burden of proving that the sale was for resale and to provide a penalty for a purchaser who misuses a certificate of resale, placed on the Calendar for Monday, June 15, earlier today for further consideration, upon third reading.

Senator Winner offers a motion that the bill be taken from the Calendar for Monday, June 15, and be placed on the Calendar for Tuesday, June 16, which motion prevails.

The bill is placed on the Calendar for Tuesday, June 16, for further consideration upon third reading.

CALENDAR (Continued)

S.J.R. 1194, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions and to levy a fee for filing an appeal to the Property Tax Commission.

On motion of Senator Winner, consideration of the joint resolution is postponed until Tuesday, June 16.

S.J.R. 1243, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to clarify the exclusion of nonpublic schools from the day care law.

With unanimous consent, on motion of Senator Winner, the joint resolution is taken up out of its regular order of business.

On motion of Senator Winner, consideration of the joint resolution is postponed until Tuesday, June 16.

S.J.R. 1244, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to impose additional civil penalties for the illegal manufacture and sale of alcoholic beverages.

With unanimous consent, on motion of Senator Winner, the joint resolution is taken up out of its regular order of business.

On motion of Senator Winner, consideration of the joint resolution is postponed until Tuesday, June 16.

S.J.R. 1209, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to remove the requirement that a person be a resident of the State in order to obtain a hunting and fishing guide license.

The joint resolution passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1222, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to exempt self-propelled truck cranes from certain size and weight limitations when operating on the highways.

The joint resolution passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1234, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina.

The joint resolution passes its second (40-0) and third readings and is ordered sent to the House of Representatives.

H.B. 846 (Senate Committee Substitute), a bill to amend and make technical corrections to various insurance laws and to clarify the uninsured and underinsured motorists law.

The Senate Committee Substitute bill passes its second reading (40-0).

Without objection, on motion of Senator Simpson, the Senate Committee Substitute bill is temporarily displaced.

H.J.R. 1331, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to adopt Folkmoot USA as North Carolina's Official International Folk Festival.

The joint resolution passes its second (37-0) and third readings and is ordered enrolled.

H.J.R. 1438, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.

The joint resolution passes its second (37-0) and third readings and is ordered enrolled.

H.J.R. 1450, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to abolish the North Carolina Council on Interstate Cooperation, which has not met since 1979.

The joint resolution passes its second (37-0) and third readings and is ordered enrolled.

S.B. 607 (House Committee Substitute), a bill to permit certain counties to use property tax funds for housing rehabilitation programs already authorized by law, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (38-0) and the measure is ordered enrolled.

H.B. 846 (Senate Committee Substitute), a bill to amend and make technical corrections to various insurance laws and to clarify the uninsured and underinsured motorists law, temporarily displaced earlier, upon third reading.

On motion of Senator Simpson, further consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 16.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

H.B. 945 (Committee Substitute), a bill to adjust fees in the General Court of Justice and the facilities fee, to allow the prorating of water fees, to authorize the Department of Human Resources, Division of Facility Services, to charge fees for various facilities seeking licensure or certification, to authorize the Department of Correction to charge a fee for drug testing as a condition of probation or parole, to establish a fee schedule for the standards laboratory, and to establish the percentage rate for the insurance regulatory charge.

Referred to **Finance Committee.**

On motion of Senator Royall, seconded by Senator Plyler, the Senate adjourns at 2:50 P.M. to meet Monday, June 15, at 5:30 P.M.

ONE HUNDRED ELEVENTH DAY

SENATE CHAMBER,
Monday, June 15, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*, in the absence of the Lieutenant Governor, James C. Gardner.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Righteous and Loving God, this will be a very busy week in the Senate Chamber. The eyes and ears of the people of our State will be focusing on what goes on here.

"So we pray today, earnestly but with brevity, that You will help the Senators know where to doubt, where to feel certain, and where to submit.

"God, impart Your presence, mercy, and guidance upon us all and grant this prayer. Amen."

Senator Royall, Deputy President *Pro Tempore*, announces that the Journal of Thursday, June 11, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President *Pro Tempore*, grants a leave of absence for tonight to Senator Hartsell, who is attending the Cabarrus County Board of Commissioners' meeting and to Senator Winner, who is in court.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 607 (House Committee Substitute), a bill to permit certain counties to use property tax funds for housing rehabilitation programs already authorized by law. (Ch. 764)

S.J.R. 1034, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued. (Res. 32)

S.J.R. 1084, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to clarify that local governmental entities are eligible to receive grant funds for domestic violence centers. (Res. 33)

H.J.R. 1331, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to adopt Folkmoot USA as North Carolina's Official International Folk Festival. (Res. 34)

H.J.R. 1438, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to make various technical amendments to the General Statutes as recommended by the General Statutes Commission. (Res. 35)

H.J.R. 1450, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to abolish the North Carolina Council on Interstate Cooperation, which has not met since 1979. (Res. 36)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee**:

S.B. 1159, a bill to repeal the requirement that long-term contracts entered into by local governments for the collection and disposal of nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1159** (Committee Substitute), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection and disposal of nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources and to allow all local governments to enter into such contracts, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Tuesday, June 16, for further consideration.

INTRODUCTION OF RESOLUTIONS

Resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Allran:

S.J.R. 1251, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that experienced electrical supervisors employed in the manufacturing industry may draw internal electrical wiring prints and supervise internal electrical wiring work without meeting the licensure requirements for engineers and land surveyors.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Pollard:

S.J.R. 1252, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to raise the age of compulsory attendance in public schools and to reallocate part of the funds appropriated for dropout prevention for the 1992-93 fiscal year.

Referred to **Rules and Operation of the Senate Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages and special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

H.B. 1316, a bill to modify the regulation of the use and discharge of pyrotechnics in Nash and Edgecombe Counties.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 1320 (Committee Substitute), a bill to clarify that the scrap tire disposal tax does not apply to new tires placed on newly manufactured vehicles.
Referred to **Finance Committee.**

H.B. 1322, a bill to increase the amount of beer a mini-brewery can sell to consumers at the brewery and to make technical and conforming changes to the alcoholic beverage laws.
Referred to **Alcoholic Beverage Control Committee.**

H.B. 1324 (Committee Substitute), a bill to clarify the statutes governing income tax returns and tax filing extensions and to authorize the Secretary of Revenue to allow paperless tax filing extensions and electronic filing of income tax returns.
Referred to **Finance Committee.**

H.B. 1325, a bill to make conforming changes to the corporate income tax on unrelated business income of exempt corporations.
Referred to **Finance Committee.**

H.B. 1326, a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions.
Referred to **Finance Committee.**

H.B. 1340 (Committee Substitute), a bill to modify the Appropriations and Budget Revenue Act of 1991, As Amended, and to make other changes in the budget operation of the State. (See Addendum)
Referred to **Appropriations Committee.**

H.J.R. 1379, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to clarify that special library registration deputies need not reside in the county where they register voters.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 1406, a bill to divide the Flatwoods Fire District in Harnett County into two fire districts—the Flatwoods Rural Fire District and the Bunnlevel Rural Fire Insurance District.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1432 (Committee Substitute), a bill to set the 1992 and 1993 election calendar for the Anson County Board of Commissioners.
Referred to **Election Laws Committee.**

H.B. 1440, a bill to provide that future elections for the Office of Mayor of Burgaw shall be for four-year terms.
Referred to **Election Laws Committee.**

H.B. 1441 (Committee Substitute), a bill to allow the City of Mount Airy and the County of Ashe to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.
Referred to **Economic Development Committee.**

H.B. 1469, a bill to provide that the limitation on the height of structures under the comprehensive zoning ordinance of the Town of Yaupon Beach may be changed only with the approval of the voters of that Town.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 1470, a bill to authorize the Towns of Holden Beach, Sunset Beach, Long Beach, Topsail Beach, North Topsail Beach and Surf City to create sea turtle sanctuaries.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 1471, a bill to remove the sunset from the act prohibiting the placement of a new ABC store within seven miles of the corporate limits of a municipality in which there is an existing ABC store in Brunswick County.

Referred to **Alcoholic Beverage Control Committee.**

H.B. 1475 (Committee Substitute), a bill to permit the Counties of Harnett and Watauga to rename County public and private roads.

Referred to **Local Government and Regional Affairs Committee.**

H.J.R. 1536, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to repeal the "Resign-to-Run" Act to comply with a decision of the North Carolina Supreme Court.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 1576, a bill to allow Emerald Isle to regulate personal watercraft operation.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.J.R. 1618, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to validate the registration of instruments signed in the name of the register of deeds by the register's assistant or deputy and initialed by the assistant or deputy.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 1619, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to allow certain advertising signs along the right-of-way of State highways.

Referred to **Rules and Operation of the Senate Committee.**

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee:**

S.B. 972, a bill to permit public transportation authorities and regional public transportation authorities to receive annual sales tax refunds, with a favorable report.

S.B. 974, a bill to allow cities and counties to use property taxes to support public transportation without calling a referendum, with a favorable report.

S.B. 1014, a bill to revise the category of special mobile equipment, to establish a uniform registration fee for special mobile equipment, to allow special mobile equipment to tow certain vehicles, and to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax, with a favorable report.

S.B. 1115, a bill to make the fee for a commercial driver learner's permit the same as the fee for a regular learner's permit, with a favorable report.

S.B. 1245, a bill to provide that joint agencies created by interlocal agreement to operate public broadcasting television stations are eligible for sales tax refunds provided to governmental entities, with a favorable report, as amended.

S.B. 1195, a bill to exempt from sales and use taxes prescription medicine that is donated to a nonprofit organization, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1195** (Committee Substitute), a bill to exempt from sales and use taxes drugs that are donated to a nonprofit organization, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, June 16, for further consideration.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 967, a bill to revise and consolidate the Charter of the Town of Selma, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hunt, Hyde, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—41.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1019, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hunt, Hyde, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—42.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1040, a bill to modify the maximum tax limit for the Town of Badin and change the method of calculating limits on increases, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hunt, Hyde, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—43.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 16, for further consideration upon third reading.

S.B. 1125 (Committee Substitute), a bill to provide that Franklin County is authorized to construct gas lines.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1168, a bill an act to remove the City of Concord's local modifications to G.S. 58-84-30 and G.S. 58-84-35.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

Senator Lee rises and offers a motion that the rules be suspended to grant privileges of the floor to Cynthia Rae Bland, a sixth grade student from Chatham County, which motion prevails. Senator Lee further offers a motion that the rules be suspended to allow Miss Bland to approach the Well of the Senate and read her award-winning essay, "What Freedom Means to Me," commemorating Flag Day, which motion prevails.

The Chair appoints Senator Lee and Senator Walker to escort Miss Bland to the Well of the Senate, where she is introduced and reads her essay to the membership. The members respond with a standing ovation.

Senator Lee and Senator Walker escort Miss Bland from the Chamber.

With unanimous consent, on motion of Senator Walker, Miss Bland's remarks are spread upon the Journal, as follows:

"What freedom means to me. Freedom means that I can go to church and nobody cares what religion I am or whether I go to church at all. It also means that I can belong to any group that I please. Freedom can also allow newspapers and magazines to print anything. It can also remind me of the Presidents who fought for freedom.

"The right to vote has been very important for the people for without the right to vote, we would not have had the wonderful Presidents that served us in the past. One of the most important Presidents was Abraham Lincoln. He freed the slaves to make life better for us all.

"There are two images I think of when freedom is in my mind — the flag of the United States and our National Bird, the Bald Eagle. These are two symbols of the nation beginning with the thirteen colonies. Since then, the *Constitution of the United States* and a great item called democracy have guided us to a nation of great progress.

"Still there are flaws in our nation, but we have our symbols, the Constitution and democracy to cover them up. The most important thing which has guided us these many years is the people who wrote and believed in the Constitution of the United States. It is important for us to continue believing in the Constitution, because without it we would still be stuck in thirteen small colonies ruled by England."

CALENDAR (Continued)

S.R. 1096, a Senate simple resolution to commemorate the Seven Hundred Seventy-seventh Anniversary of the *Magna Carta*, for adoption.

On motion of Senator Hyde, the Senate simple resolution is adopted (44-0). The text of the resolution reads, as follows:

Whereas, on June 15, 1215, King John of England set his seal to a document granting certain privileges and rights to his subjects, which document was later called the *Magna Carta*, or the Great Charter; and

Whereas, this document consists of a preamble and 63 clauses, written in Latin, and was presented by the King to a group of rebellious barons at Runnymede, a meadow beside the Thames not far from London; and

Whereas, on the eve of the *Magna Carta*, King John had alienated most of his kingdom by demanding excessive military service, favoring friends, selling offices, increasing old taxes, imposing new taxes without consent, deciding cases by royal whim, and collecting crushing fines; and

Whereas, certain provisions were extremely influential as the "seeds" of the principle of due process of law that guarantees persons freedom from arbitrary imprisonment or punishment and assures proper judicial trial; and

Whereas, in the United States the *Magna Carta* has served as a source book of basic principles for our national and other state constitutions; and

Whereas, Section 19 of Article 1 of the North Carolina Constitution which provides that "no person...shall be deprived of his life, liberty, or property, but by the law of the land" is directly traceable to the *Magna Carta* and guarantees justice in a court of law; and

Whereas, the *Magna Carta*, having granted liberties and privileges that were to become fundamental legal rights, is today regarded as the cornerstone of English liberty; Now, therefore, be it resolved by the Senate:

Section 1. The Senate commemorates the 777th anniversary of the *Magna Carta* and its contribution to the development of constitutional government and an impartial judicial system throughout English-speaking countries.

Section 2. This resolution is effective upon adoption.

With unanimous consent, on motion of Senator Shaw, the remarks of Senator Hyde are spread upon the Journal, as follows:

Senator Hyde:

"Mr. President, I can't think of anything that would have placed me more off balance than that wonderful essay that young lady just read. I rise to speak to commemorate *Magna Carta*. She stood before you and read an essay, a moment ago, on freedom and the Constitution and what it means, and I will speak to you very briefly on the same subject.

"I do it, Mr. President, and members of the Senate, at a rather odd anniversary, 777. And, when I mentioned that to Senator Shaw he said that he was glad it was not 666. But I want to tell you and this may be hard to believe—twenty-seven years ago, today, I stood in this same spot. I sat in this same seat. I did not sit all these years, but when I served the first time in the Senate, I had seat number 22 and I sat next to First District Congressman Walter B. Jones, Sr. at that time.

"And on the 750th Anniversary of *Magna Carta*, I stood and reminded this Chamber of its birthday. But I offered no resolution, and nothing was put in the minutes about it, and I went back the other day and read to try to find and to see if anything was there; it wasn't.

"And so, I offered this Senate resolution, not a joint resolution, because the Senate has a rule, and we had to suspend that; the House has a rule Rule 40c, that we do not commemorate anything except people who have passed on or North Carolina institutions.

"*Magna Carta* is so much a part of our North Carolina Constitution that we could claim or lawyers could claim, perhaps, that it was a North Carolina institution, but I think that could be stretching that a little, so I asked you to suspend the rules.

"On June 15, in the year 1215, 777 years ago, near London, near the Thames River, King John—who was not much of a King—no one ever carried that name again. That was the last fellow in England who carried it, but he was forced by the knights of his kingdom, not the common people, but the knights of his kingdom, to grant a certain charter. It became known as the 'Great Charter' or *Magna Carta*. It was not long after that that he backed out of it or tried to back out of it. He died the next year, 1216, and his son, Henry III, was not twenty-one; when he became twenty-one, when he reached the point where he could take over the crown on his own in the year 1225, he reaffirmed the *Magna Carta*.

"It was reaffirmed again in 1297 and since that at times was reaffirmed. Most notably, perhaps, was in the year 1628 when the English Bill of Rights was passed. And perhaps, like our own War Between the States which brought about all kinds of constitutional changes without a word being written in the Constitution, the revolutions in England in 1640 and then the quiet Bloodless Revolution in 1688 when James II passed out and William of Orange came in. Those two made great changes in the rights of people. So, I am not going to tell you that all the rights we now have were set forth precisely in the *Magna Carta*, but enough was said in that document which had sixty-nine articles and, particularly, in Article XXXIX.

"And that Article XXXIX reads, as follows, 'No free man shall be taken or imprisoned or deseized...', that means dispossessed, '...or exiled or in any way destroyed nor will we go upon him nor send upon him except by the law or judgment of his peers or by the law of the land.' And in Article XL, 'To no one will we sell, to no one will we refuse or delay right or justice...'

"Today, that is embodied in Article I, Section 19, of the North Carolina Constitution. It also appears in about seven other state constitutions and in the Fifth Amendment to the *Constitution of the United States*. *Magna Carta* was the first attempt and the first act on the face of the earth to take any power away from any king in England or elsewhere. It stands today as the cornerstone of English liberty and of American liberty.

"Our own State was set up, of course, in 1665 with eight Lords Proprietors, as you all know, and John Locke, who was a great writer on government, was the Secretary to that group. It is said by some that he wrote our first fundamental constitution in the year 1669. Others say, 'Well yes, he wrote it; it's in his handwriting, but we think he just copied it.' But we have got it in a book that was put out in 1975 by our Secretary of State, and if you want to check it, you will find the readings out of *Magna Carta*, right there in our fundamental constitution.

"By the way, that constitution does some other things. It forbids lawyers from taking fees; it keeps preachers from serving in the General Assembly, and it also puts sunset laws on. But, maybe you did not know those things; maybe you ought to go read it and find out about it, but it does those things.

"Nevertheless, John Locke (and I've got his book which he wrote in the year 1698, well, he published it first in 1690, *Essay on Government*, and in it he again quotes from *Magna Carta*), he uses the terms 'life, liberty, and property.' Thomas Jefferson, of course, knew John Locke, and he took that term and turned it into 'life, liberty, and the pursuit of happiness' and put it in the Declaration of Independence. And then we liked what he did, and we brought it back and put it into our Constitution, so it got changed in that way. But that is the history of that. And John Locke wrote that *Essay on Government* in 1690; he actually did it as a political tract because John Churchill, who was the ancestor of Winston Churchill, was then the Prime Minister. The greatest military leader England ever had, the Duke of Malborough, he was then serving Queen Anne, and he was having some trouble, political trouble, in Parliament, so he got John Locke to write that Essay which became famous as the *Essay on Government*.

"And I have copy of it, the original, right here, and at the end of it, you would be delighted to read the last paragraph where he says that if the people grow tired of their government or if their government does not live up to what they expect, they have the right to throw them out and put somebody else in. I think that probably applies today, and I think some people in this country know that.

"I am not going to go all through all of these things that *Magna Carta* has done for us, but the reason I stand before you, and I take your time tonight is this — this young lady, back here, personifies what I am getting at. It's to let the people of this State know that we have a foundation in liberty, that we have something worth living for, and, Senator Lee, like you and I and many other veterans know, worth fighting for. There are a few things on earth worth dying for. There are many worth living for, but some are worth fighting for. And liberty and justice, and equal justice under the law is worth standing on the line, and if necessary, giving your life for. Millions of people have done that over the years, and it behooves us as Americans, and I am not trying to make a 4th of July speech, but it behooves us as Americans, every once in a while, to call the attention of our young people to these documents, to these historical facts, to these things which hold us together, which do not tear us apart; which makes us a people, knowing that we, and Mr. President, I say this with all sincerity, that we are one family, under God; that we are Americans, that we are free men and women, and that we believe in justice for all. And therefore, Mr. President, I ask the members of this Chamber to vote for this resolution, so that we may commemorate *Magna Carta* and remind the people of this State what government is all about."

With unanimous consent, Rule 40 relative to the 8:30 P.M. filing deadline is set for 7:00 P.M. tonight.

With bills remaining on the Calendar, on motion of Senator Royall, seconded by Senator Speed, the Senate adjourns at 6:15 P.M. to meet tomorrow, June 16, at 1:30 P.M.

ONE HUNDRED TWELFTH DAY

SENATE CHAMBER,
Tuesday, June 16, 1992.

The Senate meets pursuant to adjournment and in the absence of the Lieutenant Governor is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, in any group of people; a family, a congregation, all the people in this room, if real community is to exist, a common denominator among its members must be found; that element which allows the community to function with meaning and authenticity. The common denominator here is not vocation nor is it education. It might be found when one of Your servants holds a microphone and speaks into it, most likely it will be discovered in a casual, quick over-the-shoulder exchange or in a quiet, serious conversation at lunch.

"That common denominator is our strong desire to know others in the community, really know them and more importantly our stronger desire to be known. It is instinctive, O Lord, born out of our greater desire to know who You are and for You to know us, even to call our name. So today we say with the Psalmist, 'Search us, O God, and know our hearts' to the end that this community will be strengthened. Amen."

Senator Royall, Deputy President *Pro Tempore*, announces that the Journal of yesterday, June 15, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 277 (Senate Committee Substitute), an act to clarify and further regulate other business authority under the North Carolina Consumer Finance Act. (Ch. 765)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary I Committee**:

H.B. 530 (Committee Substitute), a bill making various amendments to Chapter 85B of the General Statutes relating to auctions and auctioneers, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 530** (Senate

Committee Substitute), a bill making various amendments to Chapter 85B and Chapter 20 of the General Statutes relating to auctions and auctioneers, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 23, for further consideration.

By Senator Staton for the **Banks and Thrift Institutions Committee:**

S.B. 994, a bill to permit investment of trust assets in mutual funds advised by a corporate trustee, with a favorable report, as amended.

INTRODUCTION OF RESOLUTIONS

Resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Sherron:

S.J.R. 1253, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan.

Referred to **Rules and Operation of the Senate Committee.**

By Senator Johnson:

S.J.R. 1254, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists.

Referred to **Rules and Operation of the Senate Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 804, a bill to require students enrolled in public kindergarten, first grade or second grade who are under the age of seven to attend school, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 17.

H.B. 1350, a bill to make technical and administrative changes relating to property taxes on motor vehicles.

Referred to **Finance Committee.**

H.B. 1376 (Committee Substitute), a bill to authorize Bertie, Chowan, Hertford, and Tyrrell Counties to enter into long-term contracts for disposal of solid waste.

Pursuant to Rule 53, and prior to the first reading of the measure, the Chair orders the Committee Substitute bill held in the Office of the Principal Clerk.

H.B. 1405 (Committee Substitute), a bill to provide for the nonpartisan election of the Carteret County Board of Education, subject to a referendum.

Referred to **Election Laws Committee.**

H.B. 1409 (Committee Substitute), a bill to authorize Moore County to enter into long-term contracts for disposal of solid waste.

Pursuant to Rule 53, and prior to the first reading of the measure, the Chair orders the Committee Substitute bill held in the Office of the Principal Clerk.

H.B. 1423 (Committee Substitute), a bill concerning the consent of New Hanover and Pender Counties with regard to certain land acquisitions in those counties.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 1467, a bill to allow the Town of Caswell Beach to make special assessments for undergrounding of utilities.

Referred to **Public Utilities Committee** and upon a favorable report, re-referred to the **Finance Committee.**

WITHDRAWAL FROM CALENDAR

S.B. 1159 (Committee Substitute), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection and disposal of non-hazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources and to allow all local governments to enter into such contracts.

Senator Tally offers a motion that the Committee Substitute bill be taken from the Calendar for today, June 16, and be placed on the Calendar for tomorrow, June 17, which motion prevails.

The Committee Substitute bill is placed on the Calendar for tomorrow, June 17, for consideration.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (See Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 59, Section 3, 1991 Session Laws, the North Carolina Department of Human Resources submits its Report to the General Assembly on the Costs Required to Implement the Home Care Licensure Act.

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from Monday, June 15, are taken up and disposed of, as follows:

S.B. 995, a bill to allow banks and savings associations to merge or consolidate and to transfer assets and liabilities to one another.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 996, a bill to eliminate the faithful performance coverage requirements for credit unions.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 999 (Committee Substitute), a bill to amend the Medicare Supplement Insurance Statutes as required by federal law.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1129 (Committee Substitute), a bill to extend the North Carolina Sentencing and Policy Advisory Commission and to adjust its reporting dates and membership accordingly.

The Committee Substitute bill passes its second reading (44-0).

Senator Block objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, June 17, for further consideration, upon third reading.

S.B. 1156 (Committee Substitute), a bill to allow closed-loop groundwater remediation systems.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1158, a bill to permit the State of North Carolina to grant a utility easement to Carolina Power and Light Company across Umstead Park, to require the Department of Transportation to maintain parking lots in the State parks and recreation areas, and to conform statutes relating to rule offenses committed in the State parks and recreation areas.

Senator Sherron offers Amendment No. 1 which is adopted (47-0), changing the title to read **S.B. 1158**, a bill to permit the State of North Carolina to grant a utility easement to Carolina Power and Light Company across Umstead Park and to require the Department of Transportation to maintain parking lots in the State parks and recreation areas.

The bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

S.B. 1058, a bill to amend the General Statutes relating to shellfish leases.

Senator Perdue offers a motion that the bill be taken from the Calendar for Thursday, June 25, and be placed on the Calendar for tomorrow, June 17, which motion prevails.

The bill is placed on the Calendar for tomorrow, June 17, for consideration.

CALENDAR (Continued)

S.B. 1169 (Committee Substitute), a bill to clarify certain deductibles applicable to the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund, to make current landowners who engage in cleanups eligible for reimbursement from the Commercial Fund, and to add two members to the Petroleum Underground Storage Tank Funds Council.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1129 (Committee Substitute), a bill to extend the North Carolina Sentencing and Policy Advisory Commission and to adjust its reporting dates and membership accordingly, placed earlier today on the Calendar for tomorrow, June 17, upon third reading.

Senator Block withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of tomorrow, June 17, and placed before the Senate for immediate consideration upon its third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

H.B. 303, a bill to allow more than one postponement of foreclosure sales within the ninety-day postponement period.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (42-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 1000 (Committee Substitute), a bill to establish the North Carolina Community Trust for persons with severe chronic disabilities, upon third reading.

The Committee Substitute bill passes its third reading (46-0) and is ordered enrolled.

Bills and Resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 1040, a bill to modify the maximum tax limit for the Town of Badin and change the method of calculating limits on increases, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—47.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1031 (Committee Substitute), a bill to incorporate Woodlake Village in Moore County, subject to a referendum, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: Senator Blackmon—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 17, for further consideration, upon third reading.

S.B. 1076, a bill to authorize the City of Albemarle to levy a room occupancy tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 17, for further consideration, upon third reading.

S.B. 1069, a bill to amend and restate the Charter of the Greenville Utilities Commission of the City of Greenville.

On motion of Senator Seymour, Committee Amendment No. 1 is adopted.

The Chair orders, without objection, the bill, as amended, temporarily displaced.

CONFERENCE REPORT

S.B. 289

Senator Block for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **S.B. 289**, a bill to remove the age limit for restoration to membership for a disability beneficiary in the Local Governmental Employees' Retirement System and the Teachers' and State Employees Retirement System, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **Senate Bill 289**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE AGE LIMIT FOR RESTORATION TO MEMBERSHIP FOR A DISABILITY BENEFICIARY IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND THE TEACHERS' AND STATE EMPLOYEES RETIREMENT SYSTEM, as amended by House Amendment No. 1,

wish to report as follows: The House recedes from Amendment #1 and the House and Senate agree on the following amendment: on page 8, line 16, by rewriting that line to read:

"Sec. 3. This act becomes effective July 1, 1992."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 16th day of June, 1992.

S/Franklin L. Block	S/Edd Nye
S/Joseph E. Johnson	S/C. Robert Brawley
S/Jim Richardson	S/Gordon H. Greenwood
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Block, the Conference Report is adopted (45-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 1069, a bill to amend and restate the Charter of the Greenville Utilities Commission of the City of Greenville, as amended, temporarily displaced earlier.

The Chair rules the bill, as amended, requires a call of the roll.

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—42.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 17, for further consideration upon third reading.

S.B. 1009, a bill making technical and administrative changes to the license and excise tax laws, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1012, a bill to reinstate two sales tax provisions that were inadvertently deleted in prior legislation, upon third reading.

The bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—49.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1015, a bill to relieve a seller who sells property under a certificate of resale of the burden of proving that the sale was for resale and to provide a penalty for a purchaser who misuses a certificate of resale, upon third reading.

The bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—49.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 974, a bill to allow cities and counties to use property taxes to support public transportation without calling a referendum, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner—47.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 17, for further consideration upon third reading.

S.B. 1014, a bill to revise the category of special mobile equipment, to establish a uniform registration fee for special mobile equipment, to allow special mobile equipment to tow certain vehicles, and to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—49.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 17, for further consideration upon third reading.

S.B. 1195 (Committee Substitute), a bill to exempt from sales and use taxes drugs that are donated to a nonprofit organization.

With unanimous consent, on motion of Senator Daniel, the Committee Substitute bill is taken up out of its regular order of business.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 969, a bill to exempt from sales and use taxes food that is acquired at wholesale and then donated to a nonprofit organization.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

Senator Staton offers Amendment No. 2 which proposes to change the title to read **S.B. 969**, a bill to exempt from sales and use taxes food that is acquired at wholesale and then donated to a nonprofit organization and to grant unqualified immunity for donated food to donors and donees with liability insurance.

The Chair rules Amendment No. 2 is germane.

Senator Hyde offers a motion that the bill, as amended, with Amendment No. 2 pending be re-referred to the **Judiciary I Committee**.

Senator Daniel offers a substitute motion that the bill, as amended, with Amendment No. 2 pending be taken from today's Calendar and placed on the Calendar for tomorrow, June 17.

With unanimous consent, Senator Hyde withdraws his motion to re-refer the measure to the **Judiciary I Committee**.

The motion of Senator Daniel that further consideration of the bill, as amended, with Amendment No. 2 pending, be postponed until tomorrow, June 17, prevails.

The Chair orders the measure, with Amendment No. 2 pending, placed on the Calendar for tomorrow, June 17, for further consideration.

S.B. 972, a bill to permit public transportation authorities and regional public transportation authorities to receive annual sales tax refunds.

The bill passes its second (43-1) and third readings and is ordered sent to the House of Representatives.

S.B. 1115, a bill to make the fee for a commercial driver learner's permit the same as the fee for a regular learner's permit.

The bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1194, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions and to levy a fee for filing an appeal to the Property Tax Commission.

The joint resolution passes its second (44-1) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1243, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to clarify the exclusion of nonpublic schools from the day care law.

The joint resolution passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1244, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to impose additional civil penalties for the illegal manufacture and sale of alcoholic beverages.

The joint resolution passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.B. 1245, a bill to provide that joint agencies created by interlocal agreement to operate public broadcasting television stations are eligible for sales tax refunds provided to governmental entities.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (46-1).

Senator Bryan objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, June 17, for further consideration upon third reading.

The President *Pro Tempore*, Senator Barnes, relinquishes the gavel to Senator Royall, Deputy President *Pro Tempore*, who presides.

H.B. 217 (Senate Committee Substitute), a bill to create a new offense of stalking.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 846 (Senate Committee Substitute), a bill to amend and make technical corrections to various insurance laws and to clarify the uninsured and underinsured motorists law, upon third reading.

The Senate Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 289

House of Representatives
June 16, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on SB. No. 289, A BILL TO BE ENTITLED AN ACT TO REMOVE THE AGE LIMIT FOR RESTORATION TO MEMBERSHIP FOR A DISABILITY BENEFICIARY IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND THE TEACHERS' AND STATE EMPLOYEES RETIREMENT SYSTEM

to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The bill is ordered enrolled.

The President recognizes the following pages serving in the Senate this week:

Ashley Allen, Raleigh; Christen Batchelor, Raleigh; Katherine Boyette, Wilson; Lavon Brown, Cove City; Seth N. Brown, Winton; Justin D. Anders Drewry, Raleigh; Vanessa Carol Van Dyke, Yanceyville; Emily Caroline Fitzgerald, Selma; Sarah Ryan Fletcher, Brown Summit; Mark Green, Fayetteville; Farrah Griffin, Raleigh; Martin Scott Gould, Wake Forest; Tiffany Joy Guthrie, Harkers Island; James M. Herndon III, Apex; Chris Hester, Burlington; Misty Nicole Horne, Hope Mills; Denise Johnston, Vanceboro; Carol King, Raleigh; Andrea L. Main, Raleigh; Quinn Ashley Marvin, Charlotte; Monica Mohan, Raleigh; Boo Ogburn, Smithfield; Scott Anthony Ogle, Raleigh; David Kenneth Olson, Hendersonville; Thomas Corbert Thompson, Dana; Jeffrey Michael Westbrook, Durham; and Lauren Winner, Charlottesville, Virginia.

On motion of Senator Basnight, seconded by Senator Marvin, the Senate adjourns at 3:50 P.M. to meet tomorrow, June 17, at 1:30 P.M.

ONE HUNDRED THIRTEENTH DAY

SENATE CHAMBER,
Wednesday, June 17, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"The painted sign on the part of the silo still standing in Chandler, Minnesota, says, 'In God we trust.' We remember with empathy and concern the people of our sister midwestern states who have been devastated by tornadoes that hit yesterday. Be especially close to them, Oh Lord, for we remember that good people from our own State experienced that kind of catastrophe not so long ago.

"Their experience reminds us that on some days we feel that everything important falls to our personal responsibility; the welfare of family and friends, finances, the best interests of the people of this State.

"When we need respite and renewed energy, Your Words encourage us, 'Come unto me all you who labor and are heavy laden. I will give you rest.' Thank You for the promise of broader shoulders onto which we may place some of our responsibilities. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 16, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Bryan due to personal reasons.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Perdue for the **Higher Education Committee**:

S.R. 970, a Senate simple resolution to establish the procedure for nominating and electing one member to fill the vacancy on the Board of Governors of the University of North Carolina, with a favorable report, as amended.

On motion of Senator Perdue, the Senate simple resolution is placed before the Senate for immediate consideration and on her further motion Committee Amendment No. 1 is adopted.

On motion of Senator Perdue, the Senate simple resolution is adopted (46-0) and ordered engrossed. The text of this resolution is as follows:

Be it resolved by the Senate:

Section 1. The following procedures for nominating and electing one member of the Board of Governors of The University of North Carolina to fill the vacant seat in the at-large category for the remainder of the unexpired four-year term that began July 1, 1989, are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Higher Education ("Committee") to choose nominees for the vacant seat in the at-large category on the Board of Governors of The University of North Carolina to which the Senate is to elect one member to complete the remainder of the unexpired four-year term that began July 1, 1989.

2. The Committee shall receive suggestions of proposed candidates for nomination for election to the University Board of Governors through June 2, 1992. A Senator may

propose only one candidate for nomination. In order for a person to have standing to be considered as a candidate for nomination by the Committee, a member of the Senate must formally propose that person as a candidate for nomination.

3. On or after June 2, 1992, the Committee shall meet and receive formal proposals of candidates for nomination. A Senator may propose a candidate for nomination only for the vacant seat in the at-large category. In this 1992 Session of the 1991 General Assembly, the Senate shall elect one at-large member to complete the remainder of the unexpired four-year term left vacant by a member whose term began July 1, 1989.

4. After the proposing process is closed, the Committee shall list all proposed candidates for nomination. The Committee may screen the proposed candidates for nomination as to their qualifications and background and may interview each one to determine that suitable persons are nominated for the vacant seat. The Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Committee shall vote on each candidate proposed for nomination. In the instance where two or more candidates are proposed for the vacancy, the Committee shall place at least two nominees for the vacancy on the ballot. A vote of a majority of those members of the Committee present and voting shall constitute one a nominee on the ballot.

5. The Chair of the Committee shall contact all nominees for election by the Senate and ascertain whether they would serve if elected. Any nominee may withdraw his or her name without the approval of the Senator who proposed that nominee.

6. Committee nominees shall be placed before and recommended to the Senate for election.

II. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the Chair of the Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged alphabetically by surname in the at-large category.

3. The Senate shall hold its election at the daily session on June 17, 1992. Before the voting begins, the President of the Senate shall explain the voting rules, which are:

(i) No nomination shall be received from the floor.

(ii) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting.

(iii) Each member present and voting shall vote for one nominee, and any ballot not so marked shall be deemed void.

(iv) If there are more than two nominees and if no nominee receives a majority of the votes cast, a runoff shall be conducted between the person receiving the highest and the person receiving the second highest number of votes cast.

4. The Senators shall proceed to mark their ballots for one person to fill the vacant seat in the at-large category for the remainder of the unexpired four-year term that began on July 1, 1989. Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The Chair of the Committee is responsible for canvassing the vote and declaring the results. The Principal Clerk shall retain all ballots as part of the permanent records of the Senate, and the ballots shall be open for immediate public inspection.

6. When the Chair of the Committee has determined that the Senate has chosen one member of the Board of Governors to fill the vacant seat in the at-large category for the remainder of the unexpired four-year term that began on July 1, 1989, the President of the Senate shall declare that person to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the Chair of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the name

of the person elected by the Senate to fill the vacant seat in the at-large category for the remainder of the unexpired four-year term that began on July 1, 1989.

Sec. 2. This resolution is effective upon adoption.

ELECTION OF MEMBER TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Senator Perdue for the **Higher Education Committee** submits to the Senate the nominee selected by the **Higher Education Committee** for election to the Board of Governors of the University of North Carolina, as follows:

The **COMMITTEE ON HIGHER EDUCATION OF THE SENATE**, in compliance with the provisions of G.S. 116-6 and G.S. 116-7, nominates the following person for election to the Board of Governors of the University of North Carolina to fill the vacant seat in the at-large category for the remainder of the unexpired four-year term that began July 1, 1989. In the opinion of the Committee, the nominee is legally qualified for the position to which he is recommended and has stated that he would serve if elected.

AT-LARGE CATEGORY - UNEXPIRED FOUR-YEAR TERM
TO EXPIRE JUNE 30, 1993

Jack P. Jordan

Pursuant to **S.R. 970**, a Senate simple resolution to establish the procedure for nominating and electing one member to fill the vacancy on the Board of Governors of the University of North Carolina, the Chair outlines the procedure for voting. The Chair appoints Senator Shaw, Senator Royall, and Senator Conder to assist the Chairman of the **Higher Education Committee**, Senator Perdue, in distributing and canvassing the ballots. The Senate proceeds to vote.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 289, an act to remove the age limit for restoration to membership for a disability beneficiary in the Local Governmental Employees' Retirement System and the Teachers' and State Employees Retirement System. (Ch. 766)

S.B. 1081, an act to validate school mergers and clarify merger laws so as to eliminate the need for substantial appropriations for separate central staffs, and so as to clarify a 1991 special budget provision. (Ch. 767)

H.B. 1000 (Committee Substitute), an act to establish the North Carolina Community Trust for persons with severe chronic disabilities. (Ch. 768)

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Speed:

S.B. 1255, a bill to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued.

Referred to **Finance Committee**.

By Senators Marvin and Tally:

S.B. 1256, a bill to clarify that local governmental entities are eligible to receive grant funds for domestic violence centers.

Referred to **State Personnel and State Government Committee.**

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

H.B. 1468 (Committee Substitute), a bill making a qualified exception from the Public Records Act for the Brunswick County Geographical Information System.

Referred to **Local Government and Regional Affairs Committee.**

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Rules and Operation of the Senate Committee:**

S.J.R. 1249, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to amend the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association, with a favorable report.

S.J.R. 1251, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that experienced electrical supervisors employed in the manufacturing industry may draw internal electrical wiring prints and supervise internal electrical wiring work without meeting the licensure requirements for engineers and land surveyors, with a favorable report.

S.J.R. 1253, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan, with a favorable report.

S.J.R. 1254, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists, with a favorable report.

H.J.R. 1379, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to clarify that special library registration deputies need not reside in the county where they register voters, with a favorable report.

H.J.R. 1434, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the memory of General Benjamin Smith on the Bicentennial of the City of Southport, with a favorable report.

H.J.R. 1574, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of Carson Gregory, former member of the General Assembly, with a favorable report.

H.J.R. 1618, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to validate the registration of instruments signed in the name of the register of deeds by the register's assistant or deputy and initialed by the assistant or deputy, with a favorable report.

H.J.R. 1619, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to allow certain advertising signs along the right-of-way of State highways, with a favorable report.

H.J.R. 1508, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to amend Chapter 501 of the 1989 Session Laws regarding a wholly self-liquidating capital project at the University of North Carolina at Asheville, with a favorable report.

H.J.R. 1509, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to amend Chapter 1092 of the 1987 Session Laws, Regular Session 1988, regarding a wholly self-liquidating project at Elizabeth City State University, with a favorable report.

H.J.R. 1510, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects on the Centennial Campus of North Carolina State University at Raleigh, with a favorable report.

H.J.R. 1511, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, with a favorable report.

S.J.R. 1107, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that computer software is one of the classes of property excluded from property taxation, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

On motion of Senator Winner, the rules are suspended, and the Committee Substitute joint resolution, which changes the title to read **S.J.R. 1107** (Committee Substitute), a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to amend the definition of inventories in the Machinery Act to include certain computer software, is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute joint resolution is adopted.

With unanimous consent, the Committee Substitute joint resolution is placed on the Calendar for tomorrow, June 18, for further consideration.

By Senator Murphy for the **Human Resources Committee**:

S.B. 1050, a bill to amend the definition of "day care" to exclude drop-in care and to require the Department of Human Resources to study how to ensure the health and safety of children in drop-in care, with a favorable report, as amended.

S.B. 1082, a bill to require all domiciliary care facilities to report costs and revenues and a uniform chart of accounts, with a favorable report, as amended.

By Senator Sherron for the **State Personnel and State Government Committee**:

S.B. 1036, a bill to repeal the decentralization of the classification and salary administration functions from the office of State personnel to all State departments with more than five hundred permanent full-time employees, with a favorable report.

S.B. 1103, a bill to make technical changes to the accounting procedure for the Savings Reserve Account, with a favorable report.

S.B. 1104, a bill to clarify the provisions of the Executive Budget Act and the State budget for the 1991-93 fiscal biennium, with a favorable report.

S.B. 1235, a bill to change the name of the Department of Economic and Community Development, to make technical and conforming amendments to various laws, and to appropriate funds, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

RECALL FROM ENGROSSING

S.B. 1158, a bill to permit the State of North Carolina to grant a utility easement to Carolina Power and Light Company across Umstead Park and to require the Department of Transportation to maintain parking lots in the State parks and recreation areas, as amended, ordered engrossed yesterday, June 16.

Senator Sherron offers a motion that the rules be suspended and the bill, as amended, be recalled from the Engrossing Office, which motion prevails.

The bill is returned by the Engrossing Clerk.

Senator Sherron offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails, and the question becomes the passage of the bill, as amended, upon third reading.

Pursuant to Article XIV, Section 5, of the *North Carolina Constitution*, the Chair rules the measure requires a three-fifths majority affirmative vote.

The bill, as amended, passes its third reading (44-0).

Receiving a three-fifths majority affirmative vote on second and third readings, the bill, as amended, is ordered engrossed and sent to the House of Representatives.

WITHDRAWALS FROM CALENDAR

H.B. 192, a bill recommended by the Juvenile Law Study Commission to allow termination of parental rights after a parent has left a child in foster care for twelve months without making reasonable progress towards correcting the conditions that led to foster care, as amended.

Senator Odom offers a motion that the bill, as amended, be taken from the Calendar for today, June 17, and be placed on the Calendar for Thursday, June 25, which motion prevails.

The bill, as amended, is placed on the Calendar for Thursday, June 25.

S.B. 1159 (Committee Substitute), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection and disposal of non-hazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources and to allow all local governments to enter into such contracts.

Senator Tally offers a motion that the Committee Substitute bill be taken from the Calendar for today, June 17, and be recommitted to the **Environment and Natural Resources Committee**, which motion prevails.

The Committee Substitute bill is recommitted to the **Environment and Natural Resources Committee.**

FIRST READING AND REFERRAL

With unanimous consent, on motion of Senator Tally, the rules are suspended and the following bills ordered held in the Office of the Principal Clerk on June 16, 1992, are withdrawn from the Office of the Principal Clerk, read the first time, and referred to the **Environment and Natural Resources Committee:**

H.B. 1409 (Committee Substitute), a bill to authorize Moore County to enter into long-term contracts for disposal of solid waste.

H.B. 1376 (Committee Substitute), a bill to authorize Bertie, Chowan, Hertford, and Tyrrell Counties to enter into long-term contracts for disposal of solid waste.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lee for the **Local Government and Regional Affairs Committee**:

S.B. 1176, a bill to establish by a description the boundaries for Jot-Um-Down Fire District in Surry County, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 1316, a bill to modify the regulation of the use and discharge of pyrotechnics in Nash and Edgecombe Counties, with a favorable report.

H.B. 1406, a bill to divide the Flatwoods Fire District in Harnett County into two fire districts—the Flatwoods Rural Fire District and the Bunnlevel Rural Fire Insurance District, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 1436, a bill to amend the charter of the City of Raleigh to allow for contracts with federal agencies to assist other governments, with a favorable report.

H.B. 1469, a bill to provide that the limitation on the height of structures under the comprehensive zoning ordinance of the Town of Yaupon Beach may be changed only with the approval of the voters of that Town, with a favorable report.

S.B. 1121, a bill to authorize Cabarrus County to acquire land for road rights-of-way for connectors between subdivisions and connectors between subdivisions and State-maintained roads by dedication and acceptance, purchase, or eminent domain, with a favorable report, as amended.

S.B. 1122, a bill to permit the County of Cabarrus to condemn certain property of private condemnors, with a favorable report, as amended.

S.B. 1162, a bill to exempt Rockingham County from certain recent amendments to the recording requirements for plats and subdivisions, with a favorable report, as amended.

S.B. 1177, a bill to establish by a description the boundaries for C.C. Camp Fire District in Surry County, with a favorable report, as amended.
Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted, and the bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

H.B. 1475 (Committee Substitute), a bill to permit the Counties of Harnett and Watauga to rename County public and private roads, with a favorable report, as amended.

ELECTION OF MEMBER TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Pursuant to **S.R. 970**, a Senate simple resolution to establish the procedure for nominating and electing one member to fill the vacancy on the Board of Governors of the

University of North Carolina, Senator Perdue, Chairman of the **Higher Education Committee**, announces the result of the election to the Board of Governors of the University of North Carolina, as follows:

AT-LARGE CATEGORY - UNEXPIRED FOUR-YEAR TERM TO EXPIRE JUNE 30, 1993

Jack P. Jordan

The Chair declares Jack P. Jordan, receiving a majority of the votes cast, duly elected to the Board of Governors of the University of North Carolina and orders a special message sent to the House of Representatives informing that Honorable Body of such action.

The Chair extends courtesies of the gallery to Jack P. Jordan, newly-elected member of the Board of Governors of the University of North Carolina; and to members of his family.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 1031 (Committee Substitute), a bill to incorporate Woodlake Village in Moore County, subject to a referendum, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1069, a bill to amend and restate the Charter of the Greenville Utilities Commission of the City of Greenville, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1076, a bill to authorize the City of Albemarle to levy a room occupancy tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Winner—43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 974, a bill to allow cities and counties to use property taxes to support public transportation without calling a referendum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1014, a bill to revise the category of special mobile equipment, to establish a uniform registration fee for special mobile equipment, to allow special mobile equipment to tow certain vehicles, and to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran; Ballance, Barnes, Blackmon, Block, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—44.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 969, a bill to exempt from sales and use taxes food that is acquired at wholesale and then donated to a nonprofit organization, as amended, with Amendment No. 2 pending, which proposes to change the title.

With unanimous consent, Senator Staton withdraws Amendment No. 2, offered June 16.

The bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 994, a bill to permit investment of trust assets in mutual funds advised by a corporate trustee.

On motion of Senator Staton, Committee Amendments No. 1 and No. 2 are adopted.

With unanimous consent, Senator Tally is excused from voting for the stated reason: "On Board of Trustees of bank (SNB)."

The bill, as amended, passes its second (39-7) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1058, a bill to amend the General Statutes relating to shellfish leases.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1245, a bill to provide that joint agencies created by interlocal agreement to operate public broadcasting television stations are eligible for sales tax refunds provided to governmental entities, as amended, upon third reading.

The bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 804, a bill to require students enrolled in public kindergarten, first grade or second grade who are under the age of seven to attend school, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (45-0) and the measure is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 16, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to G.S. 115D-2.1(b)(4)f, the House of Representatives has elected Mr. George Herman Porter to the State Board of Community Colleges to fill the vacant seat left by the death of Mr. Dwight Quinn. Mr. Porter's term will expire June 30, 1997.

Respectfully,
S/Grace A. Collins
Principal Clerk

On motion of Senator Barnes, seconded by Senator Cochrane, the Senate adjourns at 2:50 P.M. to meet tomorrow, June 18, at 1:30 P.M.

ONE HUNDRED FOURTEENTH DAY

SENATE CHAMBER,
Thursday, June 18, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"All Knowing God, Your profound truth is often communicated to us in simple one-liners. The Holy Scripture describes these communications in terms such as, '...out of the mouths of babes...' or '...making the wise foolish... '

"Mark Twain captured one of Your truths and paraphrased it a little. He said, 'Always do what's right. It will please some and astonish the rest.'

"Help us to discern what is right and then to do it! Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, June 17, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 804, an act to require students enrolled in public kindergarten, first grade or second grade who are under the age of seven to attend school. (Ch. 769)

H.B. 1372, an act to change the pay date for certain employees of the Charlotte/ Mecklenburg schools. (Ch. 770)

With unanimous consent, Senator Pollard offers a motion that the rules be suspended to allow "Rocky" Ozment of Jacksonville to approach the Well of the Senate, which motion prevails. The Chair directs Senator Pollard to escort Mr. Ozment to the Well where Senator Pollard presents Mr. Ozment and informs the Senate that Mr. Ozment completed a 117-mile journey via wheelchair from Jacksonville to Raleigh to seek help on behalf of handicapped North Carolinians. Mr. Ozment briefly addresses the membership which responds with a standing ovation. Senator Pollard escorts Mr. Ozment from the Chamber.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Seymour for the **Public Utilities Committee:**

S.B. 971, a bill to transfer railroad supervision and railroad safety supervision from the North Carolina Utilities Commission to the Department of Transportation and to appropriate funds to support the transfer, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Seymour, the rules are suspended, and the Committee Substitute bill which changes the title to read **S.B. 971** (Committee Substitute), a bill to transfer railroad supervision and railroad safety supervision from the North Carolina Utilities Commission to the Department of Transportation and to cease regulation of private ferry services which are regulated by the National Park Service, is placed before the Senate for immediate consideration.

On motion of Senator Seymour, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

S.B. 1193, a bill to authorize joint agencies to provide aid and assistance to municipalities and joint municipal assistance agencies as recommended by the Joint Legislative Utility Review Committee, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Seymour, the rules are suspended, and the Committee Substitute bill which changes the title to read **S.B. 1193** (Committee Substitute), a bill to authorize joint agencies to provide aid and assistance to municipalities and joint municipal assistance agencies as recommended by the Joint Legislative Utility Review Committee and to clarify the authority to invest joint agency funds, is placed before the Senate for immediate consideration.

On motion of Senator Seymour, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

S.B. 1202, a bill to clarify the public enterprise law with respect to the adoption and enforcement of utility system ordinances, with a favorable report, as amended.

By Senator Block for the **Pensions and Retirement Committee:**

S.B. 1142, a bill to transfer the North Carolina Firemen's and Rescue Squad Workers' Pension Fund from the Department of State Auditor to the Department of State

Treasurer, and to make the State Treasurer the chairman of the Board of Trustees of the Pension Fund, with a favorable report.

S.B. 1048, a bill to rewrite the law regarding the Charlotte Firefighters' Retirement System, with a favorable report, as amended.

S.B. 1114, a bill to make various changes in the Sheriffs' Supplemental Pension Fund, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

By Senator Tally for the **Environment and Natural Resources Committee:**

H.B. 1376 (Committee Substitute), a bill to authorize Bertie, Chowan, Hertford, and Tyrrell Counties to enter into long-term contracts for disposal of solid waste, with a favorable report.

H.B. 1409 (Committee Substitute), a bill to authorize Moore County to enter into long-term contracts for disposal of solid waste, with a favorable report.

S.B. 1197, a bill to implement the oxygenated and reformulated gasoline requirements of the 1990 amendments to the Federal Clean Air Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 22, for further consideration.

S.B. 1206, a bill to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 22, for further consideration.

By Senator Ballance for the **Alcoholic Beverage Control Committee:**

S.B. 1090, a bill to allow certain cities of under three hundred population to hold ABC elections, with a favorable report.

S.B. 1101, a bill to increase the membership of the Nash County Alcoholic Beverage Control Board from three to five members, with a favorable report.

H.B. 1471, a bill to remove the sunset from the act prohibiting the placement of a new ABC store within seven miles of the corporate limits of a municipality in which there is an existing ABC store in Brunswick County, with a favorable report.

By Senator Lee for the **Local Government and Regional Affairs Committee:**

H.B. 172, a bill to resume electing the Tax Collector and County Accountant of Mitchell County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Lee, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 172** (Senate

Committee Substitute), a bill to resume electing the Tax Collector of Mitchell County, is placed before the Senate for immediate consideration.

On motion of Senator Lee, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, June 19, for further consideration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages and special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

H.B. 1337, a bill to amend the motor vehicle laws concerning cotton-hauling vehicles.
Referred to **Transportation Committee.**

H.B. 1391, a bill to create a special emphasis program to target OSHA inspections.
Referred to **Judiciary II Committee.**

H.B. 1392 (Committee Substitute), a bill to require employers to report at least annually on fatalities and serious injuries in the workplace, to require the reporting of certain safety data to the Commissioner of Labor by various agencies, and to ensure, where appropriate, the confidentiality of data released to the Commissioner.
Referred to **Judiciary II Committee.**

H.B. 1393, a bill to clarify the enforcement of the building code by a municipality in its extraterritorial jurisdiction and to provide for appointments to the Building Code Council.
Referred to **Manufacturing and Labor Committee.**

H.B. 1395, a bill to establish an inter-agency task force to study the reorganization of State agencies involved with occupational safety and health and fire safety responsibilities and to report to the LRC Committee on Fire and Occupational Safety at Industrial and Commercial Facilities by October 1, 1992.
Referred to **Manufacturing and Labor Committee.**

H.B. 1417 (Committee Substitute), a bill to extend the corporate limits of the Village of Pinehurst.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1442, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1444, a bill to permit public transportation authorities and regional public transportation authorities to receive annual sales tax refunds.
Referred to **Finance Committee.**

H.B. 1455 (Committee Substitute), a bill to require real estate appraisers to obtain privilege licenses.
Referred to **Finance Committee.**

H.B. 1479, a bill to exempt Martin County from certain zoning notice requirements.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 1485, a bill relating to the furnishing of bonds of officials of Currituck County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 1486, a bill to prohibit hunting on or across State Road 1205 in Camden County.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 1490, a bill to create a new offense of third-degree trespass in Iredell County.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 1491, a bill to increase the fine for violation of any regulation of the Lake Norman Marine Commission.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 1493, a bill to allow Stanly County to acquire property for use by the Stanly County Schools and the Albemarle City Schools and to authorize boards of education in Stanly County to convey property to the County in connection with improvements and repair of the property.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 1494, a bill to permit the County of Stanly to rename County public and private roads.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 1556, a bill to rewrite the law revising and consolidating the Charter of the City of Lenoir as it relates to the City of Lenoir's Firemen's Supplemental Retirement Fund.
Referred to **Pensions and Retirement Committee.**

H.B. 1649, a bill to provide a procedure for an unaffiliated candidate for President who has qualified for ballot access to name candidates for elector and for Vice-President.
Referred to **Election Laws Committee.**

H.J.R. 1652, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the founders of Saint Augustine's College and urging the Governor to issue a proclamation recognizing the College's One Hundred and Twenty-fifth Anniversary.
On motion of Senator Johnson, the rules are suspended, without objection, and the joint resolution is placed before the Senate for immediate consideration.
The joint resolution passes its second (44-0) and third readings and is ordered enrolled.

H.B. 1334, a bill to amend the title and scope of the Agriculture, Forestry, and Seafood Awareness Study Commission by deleting Seafood from the Commission's title and area of study.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 1464, a bill to provide that Duplin, Hertford, and Martin Counties are authorized to construct gas lines.
Referred to **Public Utilities Committee.**

H.B. 1512, a bill to provide for a uniform mandatory retirement age of seventy-two for all judges and justices of the General Court of Justice.
Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

WITHDRAWAL FROM COMMITTEE

S.B. 1167, a bill to control costs in the prescription drug coverage part of the Teachers' and State Employees' Comprehensive Major Medical Plan, referred to **State Personnel and State Government Committee** on June 3, 1992.
Senator Sherron offers a motion that the rules be suspended and the bill be taken from the **State Personnel and State Government Committee** and re-referred to the **Finance Committee**, which motion prevails.

The Chair orders the bill re-referred to the Finance Committee.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 1121, a bill to authorize Cabarrus County to acquire land for road rights-of-way for connectors between subdivisions and connectors between subdivisions and State-maintained roads by dedication and acceptance, purchase, or eminent domain, upon second reading.

On motion of Senator Lee, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 19, for further consideration upon third reading.

S.B. 1122, a bill to permit the County of Cabarrus to condemn certain property of private condemnors, upon second reading.

On motion of Senator Lee, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—43.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 19, for further consideration upon third reading.

S.B. 1162, a bill to exempt Rockingham County from certain recent amendments to the recording requirements for plats and subdivisions.

On motion of Senator Lee, Committee Amendment No. 1 is adopted.

On motion of Senator Sands, further consideration of the bill, as amended, is postponed until tomorrow, June 19.

H.B. 1316, a bill to modify the regulation of the use and discharge of pyrotechnics in Nash and Edgecombe Counties.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1436, a bill to amend the charter of the City of Raleigh to allow for contracts with federal agencies to assist other governments.

On motion of Senator Johnson, consideration of the bill is postponed until Monday, June 22.

H.B. 1469, a bill to provide that the limitation on the height of structures under the comprehensive zoning ordinance of the Town of Yaupon Beach may be changed only with the approval of the voters of that Town.

The bill passes its second and third readings and is ordered enrolled.

COMMITTEE APPOINTMENT

Senator Barnes, President *Pro Tempore*, appoints Senator I.T. Kaplan and Senator Kenneth C. Royall, Jr., to the **Appropriations Committee on Natural and Economic Resources.**

WITHDRAWAL FROM COMMITTEE

S.B. 1233, a bill to further amend Chapter 745 of the 1989 Session Laws to increase the authorized project cost of a wholly self-liquidating project involving a lease between the University of North Carolina at Chapel Hill and the United States Environmental Protection Agency, referred to **Appropriations Committee** on June 8, 1992.

Senator Basnight offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and re-referred to the **Finance Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Finance Committee.**

Without objection on motion of Senator Barnes, the Senate recesses at 2:15 P.M. to reconvene at 3:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

CALENDAR (Continued)

S.B. 1036, a bill to repeal the decentralization of the classification and salary administration functions from the office of State personnel to all State departments with more than five hundred permanent full-time employees.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1050, a bill to amend the definition of "day care" to exclude drop-in care and to require the Department of Human Resources to study how to ensure the health and safety of children in drop-in care.

On motion of Senator Murphy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1082, a bill to require all domiciliary care facilities to report costs and revenues and a uniform chart of accounts.

On motion of Senator Murphy, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 1082**, a bill to require all domiciliary care facilities to report costs and revenues and to use a uniform chart of accounts.

The bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1103, a bill to make technical changes to the accounting procedure for the Savings Reserve Account.

Senator Basnight offers Amendment No. 1 which is adopted (44-0).

The bill, as amended, passes its second (41-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1104, a bill to clarify the provisions of the Executive Budget Act and the State budget for the 1991-93 fiscal biennium.

On motion of Senator Basnight, the bill is re-referred to the **Appropriations Committee**.

S.J.R. 1107 (Committee Substitute), a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to amend the definition of inventories in the Machinery Act to include certain computer software.

The Committee Substitute joint resolution passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1249, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to amend the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association.

The joint resolution passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1251, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that experienced electrical supervisors employed in the manufacturing industry may draw internal electrical wiring prints and supervise internal electrical wiring work without meeting the licensure requirements for engineers and land surveyors.

The joint resolution passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1253, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan.

The joint resolution passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1254, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists.

The joint resolution passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

H.J.R. 1379, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to clarify that special library registration deputies need not reside in the county where they register voters.

The joint resolution passes its second (45-1) and third readings and is ordered enrolled.

H.J.R. 1434, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the memory of General Benjamin Smith on the Bicentennial of the City of Southport.

The joint resolution passes its second (45-1) and third readings and is ordered enrolled.

H.B. 1475 (Committee Substitute), a bill to permit the Counties of Harnett and Watauga to rename County public and private roads.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.J.R. 1508, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to amend Chapter 501 of the 1989

Session Laws regarding a wholly self-liquidating capital project at the University of North Carolina at Asheville.

The joint resolution passes its second (45-1) and third readings and is ordered enrolled.

H.J.R. 1509, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to amend Chapter 1092 of the 1987 Session Laws, Regular Session 1988, regarding a wholly self-liquidating project at Elizabeth City State University.

The joint resolution passes its second (45-1) and third readings and is ordered enrolled.

H.J.R. 1510, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects on the Centennial Campus of North Carolina State University at Raleigh.

The joint resolution passes its second (45-1) and third readings and is ordered enrolled.

H.J.R. 1511, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina.

The joint resolution passes its second (45-1) and third readings and is ordered enrolled.

H.J.R. 1574, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of Carson Gregory, former member of the General Assembly.

The joint resolution passes its second (45-1) and third readings and is ordered enrolled.

H.J.R. 1618, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to validate the registration of instruments signed in the name of the register of deeds by the register's assistant or deputy and initialed by the assistant or deputy.

The joint resolution passes its second (45-1) and third readings and is ordered enrolled.

H.J.R. 1619, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to allow certain advertising signs along the right-of-way of State highways.

The joint resolution passes its second (45-1) and third readings and is ordered enrolled.

H.B. 1475 (Committee Substitute), a bill to permit the Counties of Harnett and Watauga to rename County public and private roads, temporarily displaced earlier.

On motion of Senator Lee, Committee Amendment No. 1 is adopted.

Senator Lee offers Amendment No. 2 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

Without objection on motion of Senator Barnes, the Senate recess at 3:40 P.M. for the purpose of committee meetings to reconvene at 4:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of, as follows:

H.B. 1388 (Committee Substitute), a bill to require certain employers to establish safety and health programs and safety and health committees in the workplace.
Referred to **Judiciary II Committee.**

H.B. 1424, a bill to increase the supplemental retirement benefits for the firefighters of the City of Shelby.
Referred to **Pensions and Retirement Committee.**

H.B. 1425, a bill to rewrite the law regarding the Lumberton Firemen's Supplemental Fund.
Referred to **Pensions and Retirement Committee.**

H.B. 1474, a bill to prohibit hunting from public roads in Davidson County.
Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 1488, a bill to modify the littering law in Hertford County.
Referred to **Judiciary I Committee.**

H.B. 1524, a bill to rewrite the law establishing the Supplementary Pension Fund for Firemen in the City of Sanford.
Referred to **Pensions and Retirement Committee.**

H.B. 1535, a bill to authorize the City of Conover to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.
Referred to **Economic Development Committee.**

H.B. 1548, a bill to make a technical correction in the place of filing of notices for candidacy for school board in Cumberland County.
Referred to **Election Laws Committee.**

H.B. 1575, a bill to modify Chapter 546 of the 1987 Session Laws to remove the municipalities of Apex and Fuquay-Varina from the South Wake Airport Authority.
Referred to **Local Government and Regional Affairs Committee.**

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt for the **Election Laws Committee:**

S.B. 968, a bill to set a referendum on possible changes in the electoral system for the Town of Oriental, with a favorable report.

S.B. 1181, a bill to alter the manner of election of the Craven County Board of Commissioners, with a favorable report.

H.B. 1405 (Committee Substitute), a bill to provide for the nonpartisan election of the Carteret County Board of Education, subject to a referendum, with a favorable report.

By Senator Seymour for the **Public Utilities Committee:**

H.B. 1467, a bill to allow the Town of Caswell Beach to make special assessments for undergrounding of utilities, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

By Senator Goldston for the **Transportation Committee:**

S.B. 1063, a bill to amend the motor vehicle laws concerning cotton-hauling vehicles, with a favorable report.

S.B. 1112, a bill to fund traffic control at major events from the current operations-Highway Fund for State Maintenance, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

S.B. 1218, a bill to amend the North Carolina Air Cargo Airport Authority Act and to appropriate funds to the Air Cargo Airport Authority, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Goldston, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.
Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

By Senator Daniel for the **Finance Committee:**

S.B. 1072, a bill to set the Rural Electrification Authority regulatory fee for the 1992-93 fiscal year and to require the General Assembly to enact legislation setting the fee in future fiscal years only if the fee is to be higher than the fee set for the 1992-93 fiscal year, with a favorable report.

S.B. 1134, a bill to establish the corporate limits of the Town of Benson, with a favorable report.

S.B. 1150, a bill to allow Union County to create Fire Protection Districts in which fire protection is funded by fees rather than taxes, with a favorable report.

S.B. 1153, a bill to amend Chapter 501 of the 1989 Session Laws regarding a wholly self-liquidating capital project at the University of North Carolina at Asheville, with a favorable report.

S.B. 1155, a bill to amend Chapter 1092 of the 1987 Session Laws, Regular Session 1988, regarding a wholly self-liquidating project at Elizabeth City State University, with a favorable report.

S.B. 1200, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects on the Centennial Campus of North Carolina State University at Raleigh, with a favorable report.

S.B. 1248, a bill to provide that a taxpayer who owes less than $500.00 of individual income tax above the amount withheld from wages is not subject to a penalty for underpayment of estimated taxes, thus conforming the State's penalty threshold to the federal penalty threshold, with a favorable report.

S.B. 976, a bill to provide that owners of certain historic motor vehicles and handicapped individuals who had obtained permanent special license plates before October 1, 1991, are not required to pay annual motor vehicle registration fees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 976** (Committee Substitute), a bill to provide that owners of certain historic motor vehicles who had obtained permanent special license plates before October 1, 1991, are not required to pay annual motor vehicle registration fees, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, June 19, for further consideration.

On motion of Senator Barnes, seconded by Senator Daughtry, the Senate adjourns at 4:40 P.M. to meet tomorrow, June 19, at 2:00 P.M.

ONE HUNDRED FIFTEENTH DAY

SENATE CHAMBER,
Friday, June 19, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Oh God, You have answered our petitions this week for community, discernment of what is right, for clarity of mind and action. Will You encourage us today with Your gift of humor; the ability to laugh at ourselves and with our neighbors? Even in the midst of the serious deliberations going on here, there may be no better negotiating tool that You give us than a sense of humor, Oh Lord. Thank You for hearing our prayer. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, June 18, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Marvin, who is attending her daughter's wedding; and to Senator Walker.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1316, an act to modify the regulation of the use and discharge of pyrotechnics in Nash and Edgecombe Counties. (Ch. 771)

H.B. 1469, an act to provide that the limitation on the height of structures under the comprehensive zoning ordinance of the Town of Yaupon Beach may be changed only with the approval of the voters of that Town. (Ch. 772)

H.J.R. 1379, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to clarify that special library registration deputies need not reside in the county where they register voters. (Res. 37)

H.J.R. 1434, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the memory of General Benjamin Smith on the Bicentennial of the City of Southport. (Res. 38)

H.J.R. 1508, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to amend Chapter 501 of the 1989 Session Laws regarding a wholly self-liquidating capital project at the University of North Carolina at Asheville. (Res. 39)

H.J.R. 1509, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to amend Chapter 1092 of the 1987 Session Laws, Regular Session 1988, regarding a wholly self-liquidating project at Elizabeth City State University. (Res. 40)

H.J.R. 1510, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects on the Centennial Campus of North Carolina State University at Raleigh. (Res. 41)

H.J.R. 1511, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina. (Res. 42)

H.J.R. 1574, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of Carson Gregory, former member of the General Assembly. (Res. 43)

H.J.R. 1618, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to validate the registration of instruments signed in the name of the register of deeds by the register's assistant or deputy and initialed by the assistant or deputy. (Res. 44)

H.J.R. 1619, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to allow certain advertising signs along the right-of-way of State highways. (Res. 45)

H.J.R. 1652, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the founders of Saint Augustine's College and urging the Governor to issue a proclamation recognizing the College's One Hundred and Twenty-fifth Anniversary. (Res. 46)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Goldston for the **Transportation Committee**:

S.B. 1223, a bill to allow the Division to issue restricted commercial driver licenses to seasonal drivers for certain farm-related service industries, and to clarify the laws governing the issuance of limited driving privileges, and to make amendments and technical corrections to the motor vehicles laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Goldston, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

S.B. 1229, a bill to authorize the Division of Motor Vehicles to issue a registration plate depicting the Cape Hatteras Lighthouse and providing for the distribution of the income from the sale of the plate, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Goldston, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1229** (Committee Substitute), a bill to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina and providing for the distribution of the income from the sale of the plates, is placed before the Senate for immediate consideration.

On motion of Senator Goldston, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

By Senator Perdue for the **Higher Education Committee:**

S.B. 1028, a bill to require the Board of Governors of the University of North Carolina, the State Board of Community Colleges, the State Board of Education, and the State's private institutions of higher education to cooperate in an exchange of information, with a favorable report, as amended.

S.B. 1026, a bill to increase the number of members of the Board of Trustees of the School of Science and Math to conform to the number of congressional districts which resulted from the 1990 census, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1026** (Committee Substitute), a bill to increase the number of members of the Board of Trustees of the School of Science and Math to conform to the number of congressional districts which resulted from the 1990 census; to make administrative changes pertaining to the North Carolina Center for Nursing; and to provide for staggering the terms of members of the Nursing Scholars Commission, is placed before the Senate for immediate consideration.

On motion of Senator Perdue, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, June 20, for further consideration.

By Senator Sands for the **Judiciary II Committee:**

S.B. 1032, a bill to prohibit discrimination against any person for engaging in any lawful activity during nonworking hours unrelated to employment, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1032** (Committee Substitute), a bill to prohibit discrimination against any employee for engaging in the lawful use of any lawful product during nonworking hours unrelated to employment, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, June 20, for further consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special Messages are received from the House of Representatives, transmitting the following bills and joint resolutions, which are read the first time and disposed of, as follows:

H.B. 1321 (Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes.
Referred to **Finance Committee.**

H.B. 1323 (Committee Substitute), a bill to replace the authority of counties to retain their costs in collecting the State's share of the deed stamp tax with the authority to retain a fixed percentage of the revenue from that tax.
Referred to **Finance Committee.**

H.B. 1346 (Committee Substitute), a bill to annex a described area to the Town of Elizabethtown, and conditionally forbid its annexation prior to the effective date of the legislative annexation.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1466, a bill to authorize Hyde County to assess benefited property in advance of improvements to subdivision and residential streets.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1583, a bill to clarify the authority of the Department of Administration to adopt rules to implement the North Carolina Environmental Policy Act of 1971 and of State agencies to adopt rules establishing minimum criteria.
Referred to **Environment and Natural Resources Committee.**

H.B. 1593, a bill to clarify the authority of the Commission for Health Services to adopt rules limiting the number of service connections to a public water system based on the quantity of water available to the system.
Referred to **Environment and Natural Resources Committee.**

H. B. 1411, a bill to remove the City of Kinston's local modifications to G.S. 58-84-30 and G.S. 58-84-35.
Referred to **Pensions and Retirement Committee.**

H.B. 1545 (Committee Substitute), a bill to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface.
Referred to **Environment and Natural Resources Committee.**

H.B. 1573, a bill to incorporate the Town of Boardman in Columbus County, subject to a referendum.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.J.R. 1648, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that the Veterans' Affairs Commission shall issue rules for the awarding of the North Carolina Services Medal to veterans who have served in any war.
Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 1651, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of Algernon Augustus Zollicoffer, Jr., distinguished citizen of North Carolina and former State Representative.
Referred to **Rules and Operation of the Senate Committee.**

WITHDRAWALS FROM CALENDAR

H.B. 172 (Senate Committee Substitute), a bill to resume electing the Tax Collector of Mitchell County.

Senator Lee offers a motion that the Senate Committee Substitute bill be taken from the Calendar for today, June 19, and be placed on the Calendar for Tuesday, June 23, which motion prevails

The Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 23.

S.B. 1162, a bill to exempt Rockingham County from certain recent amendments to the recording requirements for plats and subdivisions.

Senator Sands offers a motion that the bill be taken from the Calendar for today, June 19, and be placed on the Calendar for Tuesday, June 23, which motion prevails

The bill is placed on the Calendar for Tuesday, June 23.

PROCLAMATION FROM THE GOVERNOR

The Chair directs the Reading Clerk to read a Proclamation from the Governor which, with unanimous consent, on motion of Senator Smith, is spread upon the Journal as follows:

STATE OF NORTH CAROLINA

JAMES G. MARTIN
GOVERNOR

HENSON BARNES APPRECIATION DAY
JUNE 25, 1992
BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA
A PROCLAMATION

There are certain people who, through their dedicated and continuous service to others, quietly distinguish themselves as outstanding leaders and citizens. Henson P. Barnes is one of those people.

Barnes served honorably in the United States Army as a paratrooper, receiving citations and letters of commendation. He was elected to the N.C. House of Representative in 1975 and to the N.C. Senate in 1977. He is currently in his eighth term and also is serving as the President *Pro Tempore* of the Senate.

A graduate of the University of North Carolina at Chapel Hill School of Law, Barnes is also a partner in the law firm of Barnes, Braswell, Haithcock and Warren, P.A. His community activities include service as legal advisor to the Goldsboro Rescue Squad and involvement with the Masonic Order. In 1990, he received the Legislator of the Year Award for service and commitment to education, and in 1987, President Reagan presented him with the National Environmental Award.

Because of his contributions to the State, his dedication to public service, and his commitment to community services, it is certainly fitting that Henson Barnes should be honored by his friends and colleagues.

NOW, THEREFORE, I, JAMES G. MARTIN, Governor of the State of North Carolina, do hereby proclaim June 25, 1992, as "Henson Barnes Appreciation Day" in North Carolina, and urge our citizens to commend its observance.

(SEAL)

S/James G. Martin
Governor

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Carolina at the Capitol in Raleigh this eighteenth day of June in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and fifteenth.

With unanimous consent, the Chair requests that Senator Barnes, President *Pro Tempore*, approach the Well of the Senate, along with his daughter, Amy Allen Barnes, where he briefly addresses the membership. The Senate responds with a standing ovation.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 1121, a bill to authorize Cabarrus County to acquire land for road rights-of-way for connectors between subdivisions and connectors between subdivisions and State-maintained roads by dedication and acceptance, purchase, or eminent domain, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Ward, Warren, and Winner—43.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1122, a bill to permit the County of Cabarrus to condemn certain property of private condemnors, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Ward, Warren, and Winner—41.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1134, a bill to establish the corporate limits of the Town of Benson, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Ward, Warren, and Winner—41.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 20, for further consideration upon third reading.

S.B. 1150, a bill to allow Union County to create Fire Protection Districts in which fire protection is funded by fees rather than taxes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Ward, Warren, and Winner—42.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 20, for further consideration upon third reading.

S.B. 968, a bill to set a referendum on possible changes in the electoral system for the Town of Oriental.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1048, a bill to rewrite the law regarding the Charlotte Firefighters' Retirement System.

On motion of Senator Block, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1090, a bill to allow certain cities of under three hundred population to hold ABC elections.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1101, a bill to increase the membership of the Nash County Alcoholic Beverage Control Board from three to five members.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1181, a bill to alter the manner of election of the Craven County Board of Commissioners.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 1405 (Committee Substitute), a bill to provide for the nonpartisan election of the Carteret County Board of Education, subject to a referendum.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 1471, a bill to remove the sunset from the act prohibiting the placement of a new ABC store within seven miles of the corporate limits of a municipality in which there is an existing ABC store in Brunswick County.

The bill passes its second and third readings and is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of its regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Conder for the **Education Committee**:

S.B. 1023, a bill to change the maintenance of effort provision for the public schools of Robeson County, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

CALENDAR (Continued)

S.B. 1072, a bill to set the Rural Electrification Authority regulatory fee for the 1992-93 fiscal year and to require the General Assembly to enact legislation setting the fee in future fiscal years only if the fee is to be higher than the fee set for the 1992-93 fiscal year, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Tally, Ward, Warren, and Winner—38.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 20, for further consideration upon third reading.

S.B. 1153, a bill to amend Chapter 501 of the 1989 Session Laws regarding a wholly self-liquidating capital project at the University of North Carolina at Asheville, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Ward, Warren, and Winner—42.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 20, for further consideration upon third reading.

S.B. 1155, a bill to amend Chapter 1092 of the 1987 Session Laws, Regular Session 1988, regarding a wholly self-liquidating project at Elizabeth City State University, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Ward, Warren, and Winner—42.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 20, for further consideration upon third reading.

S.B. 1200, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects on the Centennial Campus of North Carolina State University at Raleigh, upon second reading.

Without objection, on motion of Senator Kaplan, the bill is temporarily displaced.

S.B. 976 (Committee Substitute), a bill to provide that owners of certain historic motor vehicles who had obtained permanent special license plates before October 1, 1991, are not required to pay annual motor vehicle registration fees.

The Committee Substitute bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1200, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects on the Centennial Campus of North Carolina State University at Raleigh, temporarily displaced earlier, upon second reading.

Senator Kaplan offers Amendment No. 1 which is adopted (41-0).

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Ward, Warren, and Winner—41.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 20, for further consideration upon third reading.

S.B. 1063, a bill to amend the motor vehicle laws concerning cotton-hauling vehicles.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1142, a bill to transfer the North Carolina Firemen's and Rescue Squad Workers' Pension Fund from the Department of State Auditor to the Department of State Treasurer, and to make the State Treasurer the chairman of the Board of Trustees of the Pension Fund.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1202, a bill to clarify the public enterprise law with respect to the adoption and enforcement of utility system ordinances.

On motion of Senator Seymour, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (42-0).

Senator Bryan objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, June 22, for further consideration upon third reading.

S.B. 1248, a bill to provide that a taxpayer who owes less than $500.00 of individual income tax above the amount withheld from wages is not subject to a penalty for underpayment of estimated taxes, thus conforming the State's penalty threshold to the federal penalty threshold.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1376 (Committee Substitute), a bill to authorize Bertie, Chowan, Hertford, and Tyrrell Counties to enter into long-term contracts for disposal of solid waste.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered enrolled.

H.B. 1409 (Committee Substitute), a bill to authorize Moore County to enter into long-term contracts for disposal of solid waste.

The Committee Substitute bill passes its second (41-0) and third readings and is ordered enrolled.

Without objection, on motion of Senator Barnes, the Senate recesses at 3:05 P.M. to reconvene at 4:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Basnight for the **Appropriations Committee**:

H.B. 1340 (Committee Substitute), a bill to modify the Appropriations and Budget Revenue Act of 1991, As Amended, and to make other changes in the budget operation of the State, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill, along with the Senate Proposals for Modifying the Appropriations and Budget Revenue Act of 1991. (See Addendum)

With unanimous consent, on motion of Senator Barnes, Rule 10(b) and Rule 42.4 are suspended relative to the measure.

On motion of Senator Basnight, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, on motion of Senator Barnes, Rule 42, relative to referral of the measure to the **Finance Committee**, is suspended.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, June 20, for further consideration.

By Senator Block for the **Pensions and Retirement Committee**:

H.B. 1524, a bill to rewrite the law establishing the Supplementary Pension Fund for Firemen in the City of Sanford, with a favorable report.

S.B. 1178, a bill to make changes in the Teachers' and State Employees' Retirement System for some members of that System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Block, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1178** (Committee Substitute), a bill to increase the retirement allowances in the Local Governmental Retirement System, the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, and the Legislative Retirement System, and to adjust the employer contribution rate, is placed before the Senate for immediate consideration.

On motion of Senator Block, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

By Senator Daniel for the **Finance Committee**:

S.B. 993, a bill to make amendments to the Refund Anticipation Loan Act, with a favorable report.

S.B. 1233, a bill to further amend Chapter 745 of the 1989 Session Laws to increase the authorized project cost of a wholly self-liquidating project involving a lease between the University of North Carolina at Chapel Hill and the United States Environmental Protection Agency, with a favorable report, as amended.

S.B. 1011, a bill making technical and other changes to the fuel tax laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, June 20, for further consideration.

S.B. 1016, a bill to convert the security dealer privilege license tax from a tax based on the number of offices from which securities are sold to a tax on each individual who sells securities, thereby treating sellers of securities the same as other professionals, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, June 20, for further consideration.

S.B. 1154, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, June 20, for further consideration.

H.B. 945 (Committee Substitute), a bill to adjust fees in the General Court of Justice and the facilities fee, to allow the prorating of water fees, to authorize the Department of Human Resources, Division of Facility Services, to charge fees for various facilities seeking licensure or certification, to authorize the Department of Correction to charge a fee for drug testing as a condition of probation or parole, to establish a fee schedule for the standards laboratory, and to establish the percentage rate for the insurance regulatory charge, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 945** (Senate Committee Substitute), a bill to adjust fees in the General Court of Justice and the facilities fee, to allow the prorating of water fees, and to establish the percentage rate for the insurance regulatory charge and the public utility regulatory fee, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Senate Committee Substitute bill is adopted.

On motion of Senator Daniel, without objection, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, June 20, immediately preceding **H.B. 1340** (Senate Committee Substitute), a bill to modify the Appropriations and Budget Revenue Act of 1991, As Amended, and to make other changes in the budget operation of the State, for further consideration upon second reading.

WITHDRAWAL FROM CALENDAR

S.B. 1233, a bill to further amend Chapter 745 of the 1989 Session Laws to increase the authorized project cost of a wholly self-liquidating project involving a lease between the University of North Carolina at Chapel Hill and the United States Environmental Protection Agency, placed on the Calendar for tomorrow, June 20, earlier today.

Senator Daniel offers a motion that the bill be taken from the Calendar for tomorrow, June 20, and be placed before the Senate for immediate consideration, which motion prevails.

The bill is placed before the Senate and the question becomes the passage of the measure upon second reading.

On motion of Senator Daniel, Committee Amendment No. 1, held to be material, is adopted (33-0), constituting the first reading of the measure.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 20, for further consideration upon second reading.

On motion of Senator Barnes, seconded by Senator Hartsell, the Senate adjourns at 4:30 P.M. to meet tomorrow, June 20, at 9:00 A.M.

ONE HUNDRED SIXTEENTH DAY

SENATE CHAMBER,
Saturday, June 20, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, for many of us it was on a Saturday morning about this time. We waited with anticipation for the distribution of extra family funds, our own allowances. On most Saturdays we got something; a few times we were surprised to get more than we expected; and then there were the times we got nothing.

"Remembering how they felt on those days won't help make the actual task of allocating our State's budget any easier for the Senators. It will, however, make them better personal executors of those State funds.

"May they have a productive Session now and safe journeys home, later today. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 19, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Forrester, who is covering his medical practice for the weekend; to Senator Carter, who is appearing in a wedding; and to Senator Conder, Senator Soles, Senator Marvin, Senator Walker, and Senator Raynor.

INTRODUCTION OF BILLS AND RESOLUTIONS

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Ballance:

S.J.R. 1257, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of the Honorable Joseph Branch, former Chief Justice of the North Carolina Supreme Court and State legislator.

Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 945 (Senate Committee Substitute), a bill to adjust fees in the General Court of Justice and the facilities fee, to allow the prorating of water fees, and to establish the percentage rate for the insurance regulatory charge and the public utility regulatory fee, upon second reading.

With unanimous consent, on motion of Senator Barnes, the Senate Committee Substitute bill is taken up out of its regular order of business.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 32, noes 5, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Cooper, Daniel, Goldston, Hunt, Johnson, Kaplan, Lee, Martin of Pitt, Murphy, Odom, Parnell, Plyler, Pollard, Richardson, Royall, Seymour, Shaw, Sherron, Smith, Speed, Staton, Tally, Ward, Warren, and Winner—32.

Voting in the negative: Senators Cochrane, Daughtry, Hartsell, Sands, and Simpson—5.

The Senate Committee Substitute bill is ordered placed on the Calendar for Monday, June 22, for further consideration, upon third reading.

H.B. 1340 (Senate Committee Substitute), a bill to modify the Appropriations and Budget Revenue Act of 1991, As Amended, and to make other changes in the budget operation of the State.

With unanimous consent, on motion of Senator Barnes, the Senate Committee Substitute bill is taken up out of its regular order of business.

Senator Basnight rises to explain **H.B. 1340** (Senate Committee Substitute), along with the attached report, submitted by the **Appropriations Committee**, on June 19.

Senator Shaw offers Amendment No. 1 which is adopted (39-0).

Senator Martin of Guilford offers Amendment No. 2 as amended by Amendment No. 1, which he subsequently withdraws.

Senator Goldston offers Amendment No. 3 which is adopted (37-2).

Senator Daniel offers Amendment No. 4 which is adopted (36-1).

Senator Barnes offers Amendment No. 5 which is adopted (37-0).

Senator Royall offers Amendment No. 6 which is adopted (40-0).

Senator Cochrane offers Amendment No. 7. Senator Royall offers a motion that Amendment No. 7 do lie upon the table, seconded by Senator Parnell, which motion prevails (24-13). Amendment No. 7 lies upon the table.

Senator Winner offers Amendment No. 8 which is adopted (33-7).

Senator Martin of Guilford offers Amendment No. 9 which is adopted (38-1).

Senator Pollard offers Amendment No. 10 which fails of adoption (9-29).

Senator Basnight offers Amendment No. 11 which is adopted (39-0).

Senator Daughtry offers Amendment No. 12 which fails of adoption (11-29).

Senator Bryan offers Amendment No. 13 which fails of adoption (13-24).

Senator Sherron offers Amendment No. 14 which is adopted (35-0).

Senator Blackmon offers Amendment No. 15. Senator Basnight offers a motion that Amendment No. 15 do lie upon the table, seconded by Senator Kaplan, which motion prevails (26-11). Amendment No. 15 lies upon the table.

Senator Ward offers Amendment No. 16 which is adopted (36-0).

Senator Goldston offers Amendment No. 17 which is adopted (37-0).

Senator Goldston offers Amendment No. 18 which is adopted (35-0).

Senator Daniel offers Amendment No. 19 which is adopted (36-0).

Senator Odom offers Amendment No. 20 which is adopted (21-12).

Senator Plyler offers Amendment No. 21 which is adopted (31-0).

The Chair orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

Without objection, on motion of Senator Barnes, the Senate recesses at 12:30 P.M. to reconvene at 1:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Seymour, at the request of Senator Ballance, Chairman, submits for the **Alcoholic Beverage Control Committee:**

H.B. 1322, a bill to increase the amount of beer a mini-brewery can sell to consumers at the brewery and to make technical and conforming changes to the alcoholic beverage laws, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Seymour, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 1322** (Senate Committee Substitute), a bill to increase the amount of beer a mini-brewery can sell to consumers at the brewery and to make technical changes to the alcoholic beverage laws, is placed before the Senate for immediate consideration.

On motion of Senator Seymour, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 22, for further consideration.

CALENDAR (Continued)

H.B. 1340 (Senate Committee Substitute), a bill to modify the Appropriations and Budget Revenue Act of 1991, As Amended, and to make other changes in the budget operation of the State, as amended, temporarily displaced earlier.

The Senate Committee Substitute bill, as amended, passes its second (20-6) and third readings and is ordered, without objection, engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

With bills remaining on the Calendar, on motion of Senator Barnes, seconded by Senator Kaplan, the Senate adjourns at 1:35 P.M. to meet Monday, June 22, at 8:30 P.M.

ONE HUNDRED SEVENTEENTH DAY

SENATE CHAMBER,
Monday, June 22, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Rabbi Penuches Herman, Sha' Arei Israel-Lubavitch Synagogue, Raleigh, as follows:

"Adon Ho'adonim Melech Malchei Hamlochim—Master of masters, King of the Universe, Creator of heaven and earth, Who guides us with divine providence and sustains us with infinite mercy.

"Bestow from Y-ur Sacred Wisdom and impart from Y-ur Divine Kn-wledge upon the distinguished people of this great assemblage to lead and inspire our citizens of this greatest State with moral justice and pride in the path that Y-u outlined as the Sven Noahide laws which will preserve and make us recognize our sacred trust to the world, through wisdom, love, decency, moral courage, and compassion.

"Let this prestigious Body serve as an example to the entire country as one that will bring 'All nations that Y-u have made to come and bow down before Y-u, and give honor to Y-ur Name. For Y-u are great and perform wonders; Y-u alone, O G-d.' Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of Saturday, June 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence for tonight to Senator Daughtry and Senator Raynor.

H.B. 1340 (Senate Committee Substitute), a bill to modify the Appropriations and Budget Revenue Act of 1991, As Amended, and to make other changes in the budget operation of the State, ordered engrossed and sent to the House of Representatives on Saturday, June 20.

Senator Barnes offers a motion that the Senate Committee Substitute bill be sent by special messenger tonight, which motion prevails.

The Chair orders the measure sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1376 (Committee Substitute), an act to authorize Bertie, Chowan, Hertford, and Tyrrell Counties to enter into long-term contracts for disposal of solid waste. (Ch. 773)

H.B. 1405 (Committee Substitute), an act to provide for the nonpartisan election of the Carteret County Board of Education, subject to a referendum. (Ch. 774)

H.B. 1409 (Committee Substitute), an act to authorize Moore County to enter into long-term contracts for disposal of solid waste. (Ch. 775)

H.B. 1471, an act to remove the sunset from the act prohibiting the placement of a new ABC store within seven miles of the corporate limits of a municipality in which there is an existing ABC store in Brunswick County. (Ch. 776)

On motion of Senator Barnes, the Chair extends courtesies of the gallery to Stanzaloh Denowitz, his daughter, and nephew, all from Poland.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

H.B. 1561, a bill to clarify the development, delegation, and injunctive relief provisions of the Coastal Area Management Act.

Referred to **Environment and Natural Resources Committee.**

H.B. 1566, a bill to increase the benefits of the Henderson Firemen's Supplemental Retirement System.

Referred to **Pensions and Retirement Committee.**

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Saturday, June 20, are taken up and disposed of, as follows:

S.B. 1134, a bill to establish the corporate limits of the Town of Benson, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Blackmon, Block, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Parnell, Plexico, Plyler, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—38.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1150, a bill to allow Union County to create Fire Protection Districts in which fire protection is funded by fees rather than taxes, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—39.

Voting in the negative: None.

The bill is order sent to the House of Representatives.

H.B. 1524, a bill to rewrite the law establishing the Supplementary Pension Fund for Firemen in the City of Sanford.

The bill passes its second reading.

The Chair orders, without objection, the bill temporarily displaced.

S.B. 1072, a bill to set the Rural Electrification Authority regulatory fee for the 1992-93 fiscal year and to require the General Assembly to enact legislation setting the fee in future fiscal years only if the fee is to be higher than the fee set for the 1992-93 fiscal year, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Pollard, Richardson, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Warren, and Winner—40.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1153, a bill to amend Chapter 501 of the 1989 Session Laws regarding a wholly self-liquidating capital project at the University of North Carolina at Asheville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—41.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1155, a bill to amend Chapter 1092 of the 1987 Session Laws, Regular Session 1988, regarding a wholly self-liquidating project at Elizabeth City State University, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell,

Hunt, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, Warren, and Winner—43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

H.J.R. 1659, a joint resolution honoring the founders of Saint Augustine's College and urging the Governor to issue a proclamation recognizing the College's One Hundred and Twenty-fifth Anniversary.

Senator Johnson offers a motion that the joint resolution be placed before the Senate for immediate consideration, which motion prevails.

The joint resolution passes its second (46-0) and third readings and is ordered enrolled.

The Chair recognizes and extends courtesies of the gallery to Dr. Prezell R. Robinson, President of Saint Augustine's College for twenty-five years, and Mrs. Robinson; Vice-President Dr. J. Mills Holloway, Sr.; Vice-President Dr. Robert Shepherd; Dr. Thelma Roundtree, Executive Associate to the President and Chair of the 125th Celebration; Ms. Rebecca Weatherford, and Mr. Tracy Todd.

CALENDAR (Continued)

H.B. 1524, a bill to rewrite the law establishing the Supplementary Pension Fund for Firemen in the City of Sanford, temporarily displaced earlier, upon third reading.

Senator Staton offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its third reading (47-0).

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 1200, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects on the Centennial Campus of North Carolina State University at Raleigh, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—47.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1011 (Committee Substitute), a bill making technical and other changes to the fuel tax laws, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston,

Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 23, for further consideration upon third reading.

S.B. 1016 (Committee Substitute), a bill to convert the security dealer privilege license tax from a tax based on the number of offices from which securities are sold to a tax on each individual who sells securities, thereby treating sellers of securities the same as other professionals, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 37, noes 9, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Forrester, Hartsell, Hyde, Johnson, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—37.

Voting in the negative: Senators Basnight, Blackmon, Goldston, Hunt, Kaplan, Kincaid, Martin of Pitt, Pollard, and Shaw—9.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 23, for further consideration upon third reading.

S.B. 1154 (Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 23, for further consideration upon third reading.

S.B. 1233, a bill to further amend Chapter 745 of the 1989 Session Laws to increase the authorized project cost of a wholly self-liquidating project involving a lease between the University of North Carolina at Chapel Hill and the United States Environmental Protection Agency, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plyler, Pollard, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 23, for further consideration upon third reading.

WITHDRAWAL FROM CALENDAR

S.B. 993, a bill to make amendments to the Refund Anticipation Loan Act.

Senator Barnes offers a motion that the bill be taken from the Calendar for tonight and placed on the Calendar for tomorrow, June 23, which motion prevails.

The Chair orders the measure placed on tomorrow's Calendar.

S.B. 1026 (Committee Substitute), a bill to increase the number of members of the Board of Trustees of the School of Science and Math to conform to the number of congressional districts which resulted from the 1990 census; to make administrative changes pertaining to the North Carolina Center for Nursing; and to provide for staggering the terms of members of the Nursing Scholars Commission.

Senator Barnes offers a motion that the Committee Substitute bill be taken from the Calendar for tonight and placed on the Calendar for tomorrow, June 23, which motion prevails.

The Chair orders the measure placed on tomorrow's Calendar.

S.B. 1028, a bill to require the Board of Governors of the University of North Carolina, the State Board of Community Colleges, the State Board of Education, and the State's private institutions of higher education to cooperate in an exchange of information.

Senator Barnes offers a motion that the bill be taken from the Calendar for tonight and placed on the Calendar for tomorrow, June 23, which motion prevails.

The Chair orders the measure placed on tomorrow's Calendar.

S.B. 1032 (Committee Substitute), a bill to prohibit discrimination against any employee for engaging in the lawful use of any lawful product during nonworking hours unrelated to employment.

Senator Barnes offers a motion that the Committee Substitute bill be taken from the Calendar for tonight and placed on the Calendar for tomorrow, June 23, which motion prevails.

The Chair orders the measure placed on tomorrow's Calendar.

H.B. 1436, a bill to amend the charter of the City of Raleigh to allow for contracts with federal agencies to assist other governments.

Senator Sherron offers a motion that the bill be taken from the Calendar for tonight and placed on the Calendar for Friday, June 26, which motion prevails.

The Chair orders the measure placed on the Calendar for Friday, June 26.

WITHDRAWAL FROM COMMITTEE

S.B. 1226, a bill to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan.

Senator Sherron offers a motion that the rules be suspended and the bill be taken from the **State Personnel and State Government Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee**.

WITHDRAWAL FROM CALENDAR

H.B. 1322 (Senate Committee Substitute), a bill to increase the amount of beer a mini-brewery can sell to consumers at the brewery and to make technical changes to the alcoholic beverage laws.

Senator Ballance offers a motion that the Senate Committee Substitute bill taken from the Calendar for tonight and placed on the Calendar for tomorrow, June 23, which motion prevails.

The Chair orders the measure placed on tomorrow's Calendar.

S.B. 1202, a bill to clarify the public enterprise law with respect to the adoption and enforcement of utility system ordinances.

Senator Seymour offers a motion that the bill be taken from the Calendar for tonight and placed on the Calendar for tomorrow, June 23, which motion prevails.

The Chair orders the measure placed on tomorrow's Calendar.

CALENDAR (Continued)

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 945 (Senate Committee Substitute), a bill to adjust fees in the General Court of Justice and the facilities fee, to allow the prorating of water fees, and to establish the percentage rate for the insurance regulatory charge and the public utility regulatory fee, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Perdue, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—43.

Voting in the negative: Senators Allran and Cochrane—2.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 1197 (Committee Substitute), a bill to implement the oxygenated and reformulated gasoline requirements of the 1990 amendments to the Federal Clean Air Act, as amended, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—47.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 23 for further consideration upon third reading.

S.B. 1206 (Committee Substitute), a bill to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 23 for further consideration upon third reading.

The President recognizes the following pages serving in the Senate this week: Caroline Virginia Barbee, Raleigh; Dan Rhyne Carter III, Dallas; Ryan Kenyon Chambers, Charlotte; Blythe Clifford, Raleigh; Susan Day, Chapel Hill; Jennifer Erwin, Charlotte; Suzanne Evans, Fayetteville, Christy Leigh Hawkins, New Bern; Worth M. Helms, Charlotte; Holly Barrett Hendricks, Wake Forest; Jennifer D. Holloway, Monroe; Brook Holton, Creswell; Katherine Ivanoff, Charlotte; Dora Ann Kitchin, Monroe, Jason Merritt Land, Louisburg; Matthew Auman McLean, Fayetteville; James Frederick Melvin, Eden; Charles M. Owens, Jr., Raleigh; Stephen Michael Phillips, Louisburg; Tara Chastain Renn, Goldsboro; Addie Vaughan Rivers, Green Cove Springs, Florida; Tracy Seymour, Green Cove Springs, Florida; Kathrine Bryan Stocks, Raleigh; Damion Lamar Tidwell, Charlotte; Christopher Keith Upright, North Wilkesboro; Allison Leigh Wood, Clayton; Benjamin Woodruff, Raleigh; William Warren Leathers IV, Rockingham.

On motion of Senator Barnes, seconded by Senator Carpenter, the Senate adjourns at 9:28 P.M. to meet tomorrow, June 23, at 1:30 P.M.

ONE HUNDRED EIGHTEENTH DAY

SENATE CHAMBER,
Tuesday, June 23, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, over the past three weeks we have made petitions to You, for everything from patience to wise judgement. You have been faithful to hear those prayers. So as the pace quickens this week and interpersonal petitions increase in number, sometime, somewhere, give us all a few moments of quiet so that we may listen for Your response to our prayers. Without the singleminded attentiveness to listen to You, we will rarely hear anything worth relating or catch a vision worth asking anyone else to gaze upon. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, June 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Daughtry, who as current President of the Bright Belt Warehouse Association is presiding at their annual meeting.

ENROLLED BILLS

The Enrolling Clerk reports the following resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.J.R. 990, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to extend the grandfather clause application deadline to October 31, 1992. (Res. 47)

H.J.R. 1659, a joint resolution honoring the founders of Saint Augustine's College and urging the Governor to issue a proclamation recognizing the College's One Hundred and Twenty-fifth Anniversary. (Res. 48)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary I Committee:**

H.B. 515 (Committee Substitute), a bill to impose a penalty of one hundred dollars for speeding in certain highway work zones, with a favorable report, as amended.

H.B. 1512, a bill to provide for a uniform mandatory retirement age of seventy-two for all judges and justices of the General Court of Justice, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Pensions and Retirement Committee.**

By Senator Basnight for the **Appropriations Committee:**

S.B. 701, a bill to establish the North Carolina Aquariums Commission and aquarium entrance fees, with a favorable report.
Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 1235, a bill to change the name of the Department of Economic and Community Development, to make technical and conforming amendments to various laws, and to appropriate funds, with a favorable report, as amended.

By Senator Hunt for the **Election Laws Committee:**

H.B. 1432 (Committee Substitute), a bill to set the 1992 and 1993 election calendar for the Anson County Board of Commissioners, with a favorable report.

H.B. 1649, a bill to provide a procedure for an unaffiliated candidate for President who has qualified for ballot access to name candidates for elector and for Vice-President, with a favorable report.

S.B. 1149, a bill to allow Montgomery County to establish voting precincts during 1989 without regard to township boundaries, with a favorable report, as amended.

H.B. 1440, a bill to provide that future elections for the Office of Mayor of Burgaw shall be for four-year terms, with a favorable report, as amended.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 292, a bill to make technical corrections in the Disability Income Plan of North Carolina, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 24.

H.B. 31 (Committee Substitute), a bill to permit injured firemen to receive disability payments under the North Carolina Local Governmental Employees' Retirement System after one year's service and to allow for disability benefit if death occurs prior to retirement.
Referred to **Pensions and Retirement Committee.**

H.B. 1361, a bill to create an educational leadership task force to identify how to best select, train, evaluate, assess, and regulate the State's educational leaders.
Referred to **Education Committee.**

H.B. 1371, (Committee Substitute) a bill requiring traffic signs and other traffic control devices placed on a municipal street system street to conform to the appearance criteria of the Manual on Uniform Traffic Control Devices.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 1499 (Committee Substitute), a bill authorizing the appointment of a special Board of Equalization and Review for Durham County.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 1527 (Committee Substitute), a bill to annex certain territory into the corporate limits of the Town of Farmville.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1580 (Committee Substitute), a bill to establish the boundary line between Carteret and Craven Counties.

Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to the **Finance Committee.**

H.B. 1446 (Committee Substitute), a bill to allow cities and counties to use property taxes to support public transportation without calling a referendum.

Referred to **Finance Committee.**

H.B. 1547 (Committee Substitute), a bill to codify the common-law rights in North Carolina to public use of ocean and estuarine beaches and to authorize legal actions to protect those rights.

Referred to **Rules and Operation of the Senate Committee.**

H.B. 1357, a bill to reconvene a Teacher Training Task Force to study the progress made toward implementing the thirty-nine objectives of the original Task Force and to make recommendations to continue to improve the professional development of teachers.

Referred to **Appropriations Committee.**

WITHDRAWAL FROM COMMITTEE

S.B. 1105, a bill to decrease State expenditures for safekeepers by clarifying the law regarding the medical costs of safekeepers and by changing the law regarding the transfer of safekeepers to the Department of Correction, referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee** on June 2.

Senator Raynor offers a motion that the rules be suspended and the bill be taken from the **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee** and re-referred to the **Finance Committee**, which motion prevails.

The Chair orders the bill re-referred to **Finance Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 172 (Senate Committee Substitute), a bill to resume electing the Tax Collector of Mitchell County.

Senator Lee offers a motion that the Senate Committee Substitute bill be taken from the Calendar for today, June 23, and be recommitted to the **Local Government and Regional Affairs Committee**, which motion prevails.

The Senate Committee Substitute bill is ordered recommitted to the **Local Government and Regional Affairs Committee.**

S.B. 1162, a bill to exempt Rockingham County from certain recent amendments to the recording requirements for plats and subdivisions, as amended.

On motion of Senator Sands, without objection, the bill, as amended, is temporarily displaced.

S.B. 1011 (Committee Substitute), a bill making technical and other changes to the fuel tax laws, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—44.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1016 (Committee Substitute), a bill to convert the security dealer privilege license tax from a tax based on the number of offices from which securities are sold to a tax on each individual who sells securities, thereby treating sellers of securities the same as other professionals, upon third reading.

On motion of Senator Kaplan, further consideration of the Committee Substitute bill is postponed until tomorrow, June 24.

S.B. 1154 (Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1197 (Committee Substitute), a bill to implement the oxygenated and reformulated gasoline requirements of the 1990 amendments to the Federal Clean Air Act, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Forrester, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—41.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1206 (Committee Substitute), a bill to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—44.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1233, a bill to further amend Chapter 745 of the 1989 Session Laws to increase the authorized project cost of a wholly self-liquidating project involving a lease between the University of North Carolina at Chapel Hill and the United States Environmental Protection Agency, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

H.B. 530 (Senate Committee Substitute), a bill making various amendments to Chapter 85B and Chapter 20 of the General Statutes relating to auctions and auctioneers, upon second reading.

With unanimous consent, on motion of Senator Hunt, privileges of the floor are granted to John Aldridge of the Attorney General's Office for the purpose of assisting in the explanation of the measure.

Senator Kincaid offers Amendment No. 1 which is adopted (49-0).

Senator Winner offers Amendment No. 2 which is adopted (48-0).

Senator Kaplan offers Amendment No. 3 which is adopted (47-0).

Senator Odom offers Amendment No. 4 which he subsequently withdraws.

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Warren—45.

Voting in the negative: Senators Kincaid and Simpson—2.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, June 24, for further consideration upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Murphy for the **Human Resources Committee**:

S.B. 1111, a bill to provide that blind persons shall be granted preference in the operation of vending facilities on North Carolina highways, with a favorable report, as amended.

By Senator Sands for the **Judiciary II Committee**:

H.B. 863, a bill to require that at least twenty-five percent of the proceeds from bingo games be used for charitable purposes, with a favorable report, as amended.

By Senator Daniel for the **Finance Committee**:

S.B. 1007, a bill to provide that if a person conducts business at a trade show or flea market, the trade show or flea market is not considered the person's business location for the purpose of the privilege license tax, with a favorable report.

S.B. 1023, a bill to change the maintenance of effort provision for the public schools of Robeson County, with a favorable report.

S.B. 1176, a bill to establish by a description the boundaries for Jot-Um-Down Fire District in Surry County, with a favorable report.

S.B. 1177, a bill to establish by a description the boundaries for C.C. Camp Fire District in Surry County, with a favorable report.

S.B. 1193 (Committee Substitute), a bill to authorize joint agencies to provide aid and assistance to municipalities and joint municipal assistance agencies as recommended by the Joint Legislative Utility Review Committee and to clarify the authority to invest joint agency funds, with a favorable report.

S.B. 1255, a bill to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1255** (Committee Substitute), a bill to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued and to allow the refunding of multifamily housing bonds issued by local governments and nonprofit organizations, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, June 24, for further consideration.

CALENDAR (Continued)

S.B. 1032 (Committee Substitute), a bill to prohibit discrimination against any employee for engaging in the lawful use of any lawful product during nonworking hours unrelated to employment.

With unanimous consent, on motion of Senator Sands, the Committee Substitute bill is taken up out of its regular order of business.

Senator Sands offers Amendment No. 1 which is adopted (45-1).

Senator Sands calls the previous question, seconded by Senator Barnes. The call is sustained (38-10).

The Committee Substitute bill, as amended, passes its second reading (41-7).

Senator Barnes objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, June 24, for further consideration, upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1340
(Senate Committee Substitute)

House of Representatives
June 23, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB. No. 1340

A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPROPRIATIONS AND BUDGET REVENUE ACT OF 1991, AS AMENDED, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

Respectfully,
S/Grace A. Collins
Principal Clerk

With bills remaining on the Calendar, on motion of Senator Barnes, seconded by Senator Cooper, the Senate adjourns at 3:00 P.M. to meet tomorrow, June 24, at 1:30 P.M.

ONE HUNDRED NINETEENTH DAY

SENATE CHAMBER,
Wednesday, June 24, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"All Knowing God, we listen and look for it in conversation with a homeless person who needs a dollar or in dialogue with an advocate for a cause that needs one million dollars. We want to discover, hear, and speak the truth. We confess our cynicism, however, and feel at times like the writer who said, 'As scarce as truth is, the supply has always been in excess of the demand.'

"Forgive us, O God, for our cynicism and for the times that we have felt imprisoned by the truth. Remind us instead of Your promise that when we look to You, 'We shall know the Truth and the Truth shall set us free.' Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, June 23, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Daughtry.

The Chair grants courtesies of the floor to C. W. Hardin, former Senator from Haywood County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 303, an act to allow more than one postponement of foreclosure sales within the ninety-day postponement period. (Ch. 777)

H.B. 1475 (Committee Substitute), an act to permit the Counties of Harnett and Watauga to rename County public and private roads. (Ch. 778)

Without objection, on motion of Senator Barnes, the Senate recesses at 1:35 P.M. to reconvene at 2:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Cooper for the **Economic Development Committee:**

S.B. 1124, a bill to authorize the County of Franklin to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, with a favorable report.

H.B. 1441 (Committee Substitute), a bill to allow the City of Mount Airy and the County of Ashe to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, with a favorable report.

H.B. 1535, a bill to authorize the City of Conover to take into consideration prospective revenues genrerated by the development in arriving at the amount of consideration for an economic development conveyance, with a favorable report.

By Senator Sands for the **Judiciary II Committee:**

H.B. 1117, a bill to amend the law regarding the transfer of jurisdiction over a juvenile to superior court for trial as an adult, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, June 25, for further consideration.

By Senator Block for the **Pensions and Retirement Committee:**

H.B. 1411, a bill to remove the City of Kinston's local modifications to G.S. 58-84-30 and G.S. 58-84-35, with a favorable report.

H.B. 1424, a bill to increase the supplemental retirement benefits for the firefighters of the City of Shelby, with a favorable report.

H.B. 1425, a bill to rewrite the law regarding the Lumberton Firemen's Supplemental Fund, with a favorable report.

H.B. 1512, a bill to provide for a uniform mandatory retirement age of seventy-two for all judges and justices of the General Court of Justice, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee.**

H.B. 1556, a bill to rewrite the law revising and consolidating the Charter of the City of Lenoir as it relates to the City of Lenoir's Firemen's Supplemental Retirement Fund, with a favorable report.

By Senator Speed for the **Agriculture, Marine Resources, and Wildlife Committee:**

S.B. 1161, a bill to provide for a fox trapping season in Caswell County, with a favorable report.

H.B. 1334, a bill to amend the title and scope of the Agriculture, Forestry, and Seafood Awareness Study Commission by deleting Seafood from the Commission's title and area of study, with a favorable report.

H.B. 1369, a bill to amend the General Statutes relating to shellfish leases, with a favorable report.

H.B. 1470, a bill to authorize the Towns of Holden Beach, Sunset Beach, Long Beach, Topsail Beach, North Topsail Beach and Surf City to create sea turtle sanctuaries, with a favorable report.

H.B. 1474, a bill to prohibit hunting from public roads in Davidson County, with a favorable report.

H.B. 1486, a bill to prohibit hunting on or across State Road 1205 in Camden County, with a favorable report.

H.B. 1576, a bill to allow Emerald Isle to regulate personal watercraft operation, with a favorable report.

By Senator Soles for the **Judiciary I Committee:**

H.B. 519 (Committee Substitute), a bill requiring employers to reimburse employment agency fees under certain circumstances, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 30, for further consideration.

H.B. 978 (Committee Substitute), a bill to protect agricultural operations from nuisance suits under certain circumstances, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 978** (Senate Committee Substitute), a bill to protect forestry operations from nuisance suits under certain circumstances, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 30, for further consideration.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1651, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of Algernon Augustus Zollicoffer, Jr., distinguished citizen of North Carolina and former State Representative, referred to **Rules and Operation of the Senate Committee** on June 19.

Senator Winner offers a motion that the rules be suspended and the joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for today in its regular order of business, which motion prevails.

The Chair orders the joint resolution placed on today's Calendar in its regular order of business.

By Senator Sherron for the **State Personnel and State Government Committee:**

S.B. 973, a bill to direct the Department of Administration to study and recommend methods for encouraging State employees to use public transit in commuting to work, with a favorable report.

S.B. 1256, a bill to clarify that local governmental entities are eligible to receive grant funds for domestic violence centers, with a favorable report.

H.B. 357, a bill to specify the powers of the Board of Medical Examiners regarding real property, with a favorable report.

By Senator Lee for the **Local Government and Regional Affairs Committee:**

S.B. 1182, a bill to place a moratorium on disposition of property by the City of Roxboro at the Lake Roxboro Project in Caswell County under a 1989 local act, and to toll a statute of limitations under that act, with a favorable report.

H.B. 1346 (Committee Substitute), a bill to annex a described area to the Town of Elizabethtown, and conditionally forbid its annexation prior to the effective date of the legislative annexation, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 1417 (Committee Substitute), a bill to extend the corporate limits of the Village of Pinehurst, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 1423 (Committee Substitute), a bill concerning the consent of New Hanover and Pender Counties with regard to certain land acquisitions in those counties, with a favorable report.

H.B. 1442, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 1466, a bill to authorize Hyde County to assess benefited property in advance of improvements to subdivision and residential streets, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

H.B. 1490, a bill to create a new offense of third-degree trespass in Iredell County, with a favorable report.

H.B. 1491, a bill to increase the fine for violation of any regulation of the Lake Norman Marine Commission, with a favorable report.

H.B. 1573, a bill to incorporate the Town of Boardman in Columbus County, subject to a referendum, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee.**

S.B. 1141, a bill to authorize Pitt County to create Rescue/Emergency Medical Services Protection Districts, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the Finance Committee.

H.B. 1468 (Committee Substitute), a bill making a qualified exception from the Public Records Act for the Brunswick County Geographical Information System, with a favorable report, as amended.

H.B. 1494, a bill to permit the County of Stanly to rename County public and private roads, with a favorable report, as amended.

H.B. 1575, a bill to modify Chapter 546 of the 1987 Session Laws to remove the municipalities of Apex and Fuquay-Varina from the South Wake Airport Authority, with a favorable report, as amended.

H.B. 1493, a bill to allow Stanly County to acquire property for use by the Stanly County Schools and the Albemarle City Schools and to authorize boards of education in Stanly County to convey property to the County in connection with improvements and repair of the property, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Lee, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 1493** (Senate Committee Substitute), a bill to allow certain counties to acquire property for use by certain county boards of education and to authorize certain local boards of education to convey property to the County in connection with improvements and repair of the property, is placed before the Senate for immediate consideration.

On motion of Senator Lee, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, June 25, for further consideration.

INTRODUCTION OF BILL AND RESOLUTION

A bill and resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Martin of Guilford and Seymour:

S.J.R. 1258, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide for a maintenance of funds appropriated by the Board of County Commissioners to the local current expense fund of local school administrative units in fiscal year 1992-93 before merger becomes effective on July 1, 1993, if the merger did not require approval of the Board of County Commissioners.

Without objection, on motion of Senator Martin of Guilford, the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (33-10) and third readings and is ordered, on motion of Senator Martin of Guilford, with unanimous consent, sent to the House of Representatives by special messenger.

By Senator Plyler:

S.B. 1259, a bill to extend the grandfather clause application deadline to October 31, 1992.

Referred to Human Resources Committee.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 556 (Committee Substitute), a bill to allow absentee voting in referenda on incorporation of a municipality, and to shorten the candidate filing period, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 556** (House Committee Substitute), a bill to allow absentee voting in referenda on incorporation of a municipality.

On motion of Senator Sands, the rules are suspended without objection, and the House Committee Substitute is placed before the Senate for immediate consideration for concurrence.

The Senate fails to concur in the House Committee Substitute bill (3-42). Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

H.B. 235 (Committee Substitute No. 2), a bill to clarify the law regarding law disability retirement.

Referred to **Pensions and Retirement Committee.**

H.B. 1375, a bill to amend Chapter 593 of the 1991 Session Laws to provide for the State Bureau of Investigation's immediate notification of alleged sexual abuse in day care.

Referred to **Human Resources Committee.**

H.B. 1404, a bill to increase the retirement formulas and to provide adjusting increases to retirees of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.B. 1596 (Committee Substitute), a bill to expand the application of the North Carolina Environmental Policy Act of 1971 to include the use of public land and to clarify the purpose and review process for environmental documents.

Referred to **Environment and Natural Resources Committee.**

H.B. 1601 (Committee Substitute), a bill to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources.

Referred to **Environment and Natural Resources Committee.**

H.J.R. 1654, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of James Forrest Penny, Jr., former member of the North Carolina House of Representatives.

Referred to **Rules and Operation of the Senate Committee.**

RE-REFERRAL

H.B. 1393, a bill to clarify the enforcement of the building code by a municipality in its extraterritorial jurisdiction and to provide for appointments to the Building Code Council, referred to **Manufacturing and Labor Committee** on June 18.

Senator Parnell offers a motion that the rules be suspended and the bill be taken from the **Manufacturing and Labor Committee** and re-referred to the **Judiciary II Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary II Committee.**

H.B. 1395, a bill to establish an inter-agency task force to study the reorganization of State agencies involved with occupational safety and health and fire safety responsibilities and to report to the LRC Committee on Fire and Occupational Safety at Industrial and Commercial Facilities by October 1, 1992, referred to **Manufacturing and Labor Committee** on June 18.

Senator Parnell offers a motion that the rules be suspended and the bill be taken from the **Manufacturing and Labor Committee** and re-referred to the **Judiciary II Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary II Committee.**

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from Tuesday, June 23, are taken up and disposed of, as follows:

S.B. 1162, a bill to exempt Rockingham County from certain recent amendments to the recording requirements for plats and subdivisions, as amended.

Senator Sands offers Amendment No. 2 which is adopted (45-0), changing the title to read **S.B. 1162**, a bill to exempt Rockingham County from a recent amendment to the recording requirements for plats and subdivisions.

The bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 993, a bill to make amendments to the Refund Anticipation Loan Act.

The bill passes its second (45-1) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 1026 (Committee Substitute), a bill to increase the number of members of the Board of Trustees of the School of Science and Math to conform to the number of congressional districts which resulted from the 1990 census; to make administrative changes pertaining to the North Carolina Center for Nursing; and to provide for staggering the terms of members of the Nursing Scholars Commission.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1028, a bill to require the Board of Governors of the University of North Carolina, the State Board of Community Colleges, the State Board of Education, and the State's private institutions of higher education to cooperate in an exchange of information.

On motion of Senator Perdue, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 1322 (Senate Committee Substitute), a bill to increase the amount of beer a mini-brewery can sell to consumers at the brewery and to make technical changes to the alcoholic beverage laws.

Senator Ballance offers Amendment No. 1 which is adopted (44-0), further changing the title, upon concurrence, to read **H.B. 1322** (Senate Committee Substitute), a bill to increase the amount of beer a mini-brewery can sell to consumers at the brewery and to make changes to the alcoholic beverage laws.

Senator Marvin offers Amendment No. 2 which is adopted (45-0).

Senator Pollard offers Amendment No. 3 which is adopted (43-0).

The Senate Committee Substitute bill, as amended, passes its second reading (43-6).

Senator Parnell objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, June 25, for further consideration upon third reading.

H.J.R. 1651, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of Algernon Augustus Zollicoffer, Jr., distinguished citizen of North Carolina and former State Representative.

The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

S.B. 1202, a bill to clarify the public enterprise law with respect to the adoption and enforcement of utility system ordinances, as amended, upon third reading.

The bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives.

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 1176, a bill to establish by a description the boundaries for Jot-Um-Down Fire District in Surry County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 25, for further consideration upon third reading.

S.B. 1177, a bill to establish by a description the boundaries for C.C. Camp Fire District in Surry County, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—48.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 25, for further consideration upon third reading.

S.B. 1149, a bill to allow Montgomery County to establish voting precincts during 1989 without regard to township boundaries.

On motion of Senator Hunt, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 1149**, a bill to allow Montgomery County to establish voting precincts without regard to township boundaries.

The bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

The President of the Senate relinquishes the gavel to Senator Basnight, who presides in his absence, and in the absence of the President *Pro Tempore*.

H.B. 1432 (Committee Substitute), a bill to set the 1992 and 1993 election calendar for the Anson County Board of Commissioners.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 1440, a bill to provide that future elections for the Office of Mayor of Burgaw shall be for four-year terms.

On motion of Senator Hunt, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (45-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 1016 (Committee Substitute), a bill to convert the security dealer privilege license tax from a tax based on the number of offices from which securities are sold to a tax on each individual who sells securities, thereby treating sellers of securities the same as other professionals, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 530 (Senate Committee Substitute), a bill making various amendments to Chapter 85B and Chapter 20 of the General Statutes relating to auctions and auctioneers, as amended, upon third reading.

Senator Kaplan offers Amendment No. 5 which is adopted (37-8).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Allran, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—42.

Voting in the negative: Senators Hartsell and Simpson—2.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 1023, a bill to change the maintenance of effort provision for the public schools of Robeson County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Allran, Ballance, Blackmon, Block, Bryan, Carpenter, Cochrane, Cooper, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—41.

Voting in the negative: Senators Carter and Forrester—2.

The bill is ordered placed on the Calendar for tomorrow, June 25, for further consideration upon third reading.

S.B. 1193 (Committee Substitute), a bill to authorize joint agencies to provide aid and assistance to municipalities and joint municipal assistance agencies as recommended by the Joint Legislative Utility Review Committee and to clarify the authority to invest joint agency funds, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 25, for further consideration upon third reading.

Senator Basnight relinquishes the gavel to the President of the Senate, Lieutenant Governor Gardner, who presides.

S.B. 1255 (Committee Substitute), a bill to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued and to allow the refunding of multifamily housing bonds issued by local governments and nonprofit organizations, upon second reading.

With unanimous consent, Senator Winner is excused from voting.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Forrester, Goldston, Hartsell, Hunt, Hyde, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Warren—45.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 25, for further consideration upon third reading.

S.B. 1007, a bill to provide that if a person conducts business at a trade show or flea market, the trade show or flea market is not considered the person's business location for the purpose of the privilege license tax.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1111, a bill to provide that blind persons shall be granted preference in the operation of vending facilities on North Carolina highways.

On motion of Senator Murphy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1235, a bill to change the name of the Department of Economic and Community Development, to make technical and conforming amendments to various laws, and to appropriate funds.

On motion of Senator Basnight, Committee Amendment No. 1 is adopted, changing the title to read **S.B. 1235**, a bill to change the name of the Department of Economic and Community Development, and to make technical and conforming amendments to various laws.

The Chair rules the bill requires a call of the roll.

The bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—48.

Voting in the negative: None.

The bill, as amended, is ordered placed on the Calendar for tomorrow, June 25, for further consideration upon third reading.

H.B. 515 (Committee Substitute), a bill to impose a penalty of one hundred dollars for speeding in certain highway work zones.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

Senator Odom offers Amendment No. 2 which is adopted (46-1).

The Committee Substitute bill, as amended, passes its second (46-2) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 863, a bill to require that at least twenty-five percent of the proceeds from bingo games be used for charitable purposes.

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (46-3).

Senator Bryan objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, June 25, for further consideration upon third reading.

H.B. 1649, a bill to provide a procedure for an unaffiliated candidate for President who has qualified for ballot access to name candidates for elector and for Vice-President.

The bill passes its second (47-0) and third readings and is ordered enrolled.

S.B. 1032 (Committee Substitute), a bill to prohibit discrimination against any employee for engaging in the lawful use of any lawful product during nonworking hours unrelated to employment, as amended, upon third reading.

Senator Winner offers Amendment No. 2 which is adopted (32-15), further changing the title to read **S.B. 1032** (Committee Substitute), a bill to prohibit discrimination against any employee for engaging in the lawful use of any lawful product or political activity during nonworking hours unrelated to employment.

Senator Bryan offers Amendment No. 3 which fails of adoption (13-33).

Senator Sands calls the previous question, seconded by Senator Odom. The call is sustained (44-3).

The Committee Substitute bill, as amended, passes its third reading (34-12) and is ordered engrossed and sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1340
(Senate Committee Substitute)

House of Representatives
June 24, 1992

Mr. President:

Pursuant to our message of June 23, 1992 that the House fails to concur in the Senate Comm. Sub. to HB. No. 1340

A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPROPRIATIONS AND BUDGET REVENUE ACT OF 1991, AS AMENDED, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

the Speaker has requested conferees on the part of the Senate to serve with a like committee of the House which consists of Representatives Diamont and Nesbitt, Chairmen; Representatives Bowman, N. J. Crawford, Easterling, Nye, Anderson, Redwine, Ethridge, H. Hunter, Fussell, Payne, Holt, McLaughlin, Hackney, Miller, Esposito, Dickson, Jack Hunt and Michaux.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Barnes offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Basnight (Chairman), Daniel, Goldston, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Perdue, Plyler, Richardson, Royall, Shaw, Simpson, Smith, Ward, Odom, Hyde, Walker, and Lee, as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 292, a bill to make technical corrections in the Disability Income Plan of North Carolina, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (45-0) and the measure is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 726 (House Committee Substitute), a bill concerning the Workers' Compensation Security Fund, for concurrence in the House Committee Substitute bill.

Recommitted to **Manufacturing and Labor Committee.**

H.B. 1421, a bill to transfer the North Carolina Firemen's and Rescue Squad Workers' Pension Fund from the Department of State Auditor to the Department of State Treasurer, and to make the State Treasurer the Chairman of the Board of Trustees of the Pension Fund.

Referred to **Pensions and Retirement Committee.**

H.B. 1520, a bill to prohibit hunting from the right-of-way of certain roads in Craven County.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

H.B. 1521, a bill to change the name of the New Bern-Craven County Schools to the Craven County Schools.

Referred to **Education Committee.**

H.B. 1522, a bill to provide the council-manager form of government in the Town of Cornelius.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 1531, a bill to authorize the Bladen County Board of Education to convey certain real property to the Bladenboro Historical Society.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 1550, a bill to authorize Rockingham County to establish noise districts and to regulate noise within those districts.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education and to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property.

Referred to **Education Committee.**

H.B. 1567, a bill to exempt Surry County from certain statutory requirements in the construction of an animal shelter facility.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 1569, a bill to authorize Boards of Education in Richmond County to convey property to the County in connection with improvements and repair of the property.
Referred to **Local Government and Regional Affairs Committee.**

H.J.R. 1653, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide for enforcement for parking violations on publicly owned parking lots in Fayetteville.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 1394 (Committee Substitute), a bill to protect employees from retaliatory discrimination in employment for engaging in protected activities.
Referred to **Judiciary II Committee.**

H.B. 1579, a bill to modify the Raleigh Civil Service Act concerning political activity, so that general law will apply.
Referred to **Local Government and Regional Affairs Committee.**

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 556 (House Committee Substitute), a bill to allow absentee voting in referenda on incorporation of a municipality.
The motion of Senator Sands, prevailing earlier today that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Sands (Chairman), Kaplan, Hunt, and Marvin as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

WITHDRAWAL FROM CALENDAR

H.B. 1436, a bill to amend the charter of the City of Raleigh to allow for contracts with federal agencies to assist other governments, placed on the Calendar for Friday, June 26, on Monday, June 22.
Senator Johnson offers a motion that the bill be taken from the Calendar for Friday, June 26, and placed on the Calendar for Tuesday, June 30, which motion prevails. The bill is ordered placed on the Calendar for Tuesday, June 30.

On motion of Senator Royall, seconded by Senator Winner, the Senate adjourns at 4:45 P.M. to meet tomorrow, June 25, at 11:00 A.M.

ONE HUNDRED TWENTIETH DAY

SENATE CHAMBER,
Thursday, June 25, 1992.

BY PROCLAMATION OF THE GOVERNOR
HENSON BARNES APPRECIATION DAY IN NORTH CAROLINA

The Senate meets pursuant to adjournment and in the absence of the Lieutenant Governor is called to order by the Honorable Kenneth C. Royall Jr., Deputy President *Pro Tempore*.

Prayer is offered by Dr. Brent Johnston, Minister of Benton Heights Presbyterian Church, Monroe, as follows:

"I want to thank you for the opportunity to come and have a prayer with you. I'm going to read a prayer out of the 1946 *Book of Common Worship*. I'm proud of the Presbyterian heritage, particularly the Presbyterian heritage in the ordering of public life. For many of you it goes all the way back to the founding of our country. James Madison was one of the writers of the *Constitution* and James Madison was one of the persons who articulated the doctrine of separation of church and state, which we read so much about nowadays, and Madison, as he understood that doctrine, was that it was never intended to be freedom **from** religion, but freedom **of** religion. And so I'm very proud and honored to come before you and have a prayer. Let us bow our heads.

> Lord God of our fathers, who hast granted unto our country freedom, and established sovereignty by the people's will: We thank Thee for those whom Thou hast raised up for our nation, to defend our liberty, preserve our union, and maintain law and order within our borders. Ever give unto the republic wise and fearless leaders and commanders in every time of need. Enlighten and direct the multitudes whom Thou hast ordained in power, that their counsels may be filled with knowledge and equity, and the whole commonwealth be preserved in peace, unity, strength, and honor. Take under Thy governance and protection Thy servants, the President, the governors of the states, the lawgivers, the judges, and all who are entrusted with authority; so defending them from all evil and enriching them with all good that the people may prosper in freedom beneath an equal law, and our nation may magnify Thy name in all the earth;...

"...and we are especially thankful this day to give honor for a faithful servant, Senator Henson P. Barnes, who has served in the Legislature over eighteen years and four of which he was Senator *Pro Tempore*. And we thank You for his service and all who serve Thee faithfully in government. And we ask Your blessings upon this nation, this State. It's in Your name we pray. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, June 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

INTRODUCTION OF RESOLUTION

Senator Winner offers a motion that Rule 40 be suspended to allow the introduction of the following Senate simple resolution, which motion prevails by a two-thirds majority vote.

By Senators Winner, Soles, Royall, Richardson, Walker, Basnight, Hunt, Cooper, Shaw, Murphy, Ballance, Goldston, Johnson, Cochrane, Daughtry, Carpenter, Smith, Forrester, Carter, Martin of Guilford, Martin of Pitt, Conder, Allran, Hyde, Tally, Sands, Blackmon, Simpson, Seymour, Perdue, Parnell, Daniel, Marvin, Plyler, Odom, Plexico, Ward, Pollard, Kincaid, Block, Bryan, Speed, Sherron, Kaplan, Warren, Hartsell, Raynor, Staton, and Lee:

S.R. 1260, a Senate simple resolution honoring Henson Perrymoore Barnes, President *Pro Tempore* of the Senate, and proclaiming Henson Perrymoore Barnes Day in the Senate.

With unanimous consent, on motion of Senator Winner, the Senate simple resolution is placed before the Senate for immediate consideration for adoption.

With unanimous consent, on motion of Senator Winner, the Senate simple resolution is read in its entirety and is ordered spread upon the Journal, as follows:

Whereas, Henson Perrymoore Barnes was born in Bladen County on November 18, 1934, to Reverend Lalon L. and Mable Cumbee Barnes; and

Whereas, Henson P. Barnes was educated at Garland High School, Wilmington College, and the University of North Carolina at Chapel Hill, where he received a Bachelor of Arts degree in 1959 and a Juris Doctor degree in 1961; and

Whereas, Henson P. Barnes served honorably in the United States Army as a paratrooper from 1953 to 1956 and for his distinguished service, received citations and letters of commendation from Battalion, Regimental, and Divisional Commands; and

Whereas, Henson P. Barnes married Kitty Allen on August 27, 1961, and from their union came two daughters, Mrs. Rebecca Richards and Ms. Amy Barnes; and

Whereas, Henson P. Barnes is a successful attorney and farmer; and

Whereas, Henson P. Barnes is a partner in the Goldsboro law firm of Barnes, Braswell, Haithcock and Warren; and

Whereas, Henson P. Barnes served on the Energy Policy Council and the Courts Commission and has been active in many community, civic, and fraternal organizations, including the Masonic Order, Shriners, Elks, American Legion, Moose Lodge, Civitan Club, the Goldsboro Jaycees, as President, Woodmen of the World, serving as National Trustee, and the Goldsboro Rescue Squad as Legal Advisor; and

Whereas, Henson P. Barnes has been active in professional and agricultural organizations, serving as a member of the Wayne County Bar Association, the North Carolina Bar Association, the North Carolina Academy of Trial Lawyers, the American Bar Association, and serving on the Board of Governors of the North Carolina Bar Association, the Board of Directors of the North Carolina Blueberry Association, and the Board of Directors of the North Carolina Grape Growers Association; and

Whereas, Henson P. Barnes' honors and awards, too numerous to be listed herein, include Outstanding Legislator Awards from a number of organizations; the 1987 National Environmental Award, presented by former President Ronald Reagan; the 1985 United States Great American Family of the Year Award, presented by former first lady Nancy Reagan; Man of the Year from Woodmen of the World in 1985; an Honorary Doctor of Humane Letters Degree from William Carter College in 1979; the Robert H. Futrelle Good Government Award in 1975; Outstanding Jaycee President, Southeast Region in 1964; and Outstanding Young Man Award for Goldsboro in 1963; and

Whereas, Henson P. Barnes has served his church, First Baptist Church of Goldsboro, as Deacon and Sunday School Teacher, and, as a member of the Budget and Finance Board; and

Whereas, Henson P. Barnes has been an important member of the Democratic Party, serving as Chairman of the Wayne County Democratic Party and former President of the Wayne County Young Democrats; and

Whereas, Henson P. Barnes was elected to and served in the North Carolina House of Representatives from 1975 to 1977, and as a member of the North Carolina Senate from 1977 to 1992; and

Whereas, while serving in the General Assembly, Henson P. Barnes has served with distinction on and chaired numerous committees and has served as President Pro Tempore of the Senate from 1989 to 1992; and

Whereas, Henson P. Barnes has provided the leadership that has helped the North Carolina Senate develop into an independent and self-governing body; and

Whereas, Henson P. Barnes is a highly respected member of the North Carolina Senate and is often referred to by his colleagues on the Senate floor as a "lawyer's lawyer" and the "conscience of the Senate"; and

Whereas, Henson P. Barnes provided the insight and the leadership which resulted in the North Carolina Air Cargo Airport Authority Act; and

Whereas, Henson P. Barnes has continued to provide the legislative leadership necessary to ensure the development of the Global TransPark; and

Whereas, Henson P. Barnes is admired by members of his profession, community, and State; and

Whereas, Henson P. Barnes deserves to be recognized by the members of the North Carolina Senate for his distinguished public service;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate honors the accomplishments of Henson Perrymoore Barnes, President Pro Tempore of the Senate, and proclaims June 25, 1992, as "Henson Perrymoore Barnes Day."

Sec. 2. The Principal Clerk shall transmit a certified copy of this resolution to Senator Henson P. Barnes.

Sec. 3. This resolution is effective upon adoption.

The Chair extends courtesies of the floor to members of Senator Barnes' family; to his wife, Kitty Barnes; to his daughters Amy Barnes and Rebecca Richards; and to his son-in-law, David Richards.

The Chair extends courtesies of the gallery to other members of Senator Barnes' family as follows: Clyde Barnes, Roger Barnes, Doris Carter, Amanda Evans, Faye Dunnaway, Edgar Barnes, Donna Jackson, Beth Barnes, and Elizabeth Barnes.

With unanimous consent, the Chair orders the remarks of the members speaking to the Senate simple resolution honoring Senator Barnes spread upon the Journal, as follows:

By Senator Winner:

"Thank you, Mr. President. Ladies and Gentlemen of the Senate, I do have a few good words to say about my compatriot, Henson Barnes, notwithstanding the fact that he stuck me with being Chairman of Redistricting. If I were given this speech four years ago, I undoubtedly would have talked about characteristics which we all know of Senator Barnes; of his humility, his integrity, his intelligence, his friendship, his fidelity, and other things, but what I want to address to you this morning deals with only one of his qualities. Because though there are lots of folks who have this quality, I have never seen it in quite the same way as I have seen it in Senator Barnes. And that is this quality of leadership.

"I want to take the members of the Senate back to when Senator Barnes first became President *Pro Tempore*. You will recall that the Senate had decided that it was time that it changed its rules and take over the process of organizing itself. Senator Barnes, when that decision was made, had not been elected President *Pro Tempore*, but had no opposition; was going to be President *Pro Tempore* and was in control over what those new rules would be. Many people in here at the time, in here now, many people who had never been here in this Senate would have taken that opportunity to centralize the power given in those rules in the Office of Senator—President *Pro Tempore*, but he did not do so. And, in fact, attempted to spread the powers that we were dealing with out in different directions.

"A perfect example, is the power of assigning bills which was put in the Chairman of the **Rules Committee** rather than in the Office of the President *Pro Tempore*. A better example, perhaps, is that up until that time, of course, the majority always controlled the appointment of minority members to what committees they were appointed and obviously, in my opinion, the majority would have passed that again had Senator Barnes requested it, but he did not. He thought that the minority ought to control their own committee appointments and that power was put into the minority leader where, in my judgment, it rightfully belongs. And since that time, I think it has been Senator Barnes conviction and style to be inclusive to include us all in the decision making and not to have everything decided at the top as some prior leaders had done. I think that has made us all a happier body, a more co-operative body. We have worked together better as a team under his leadership than I have ever seen it in my ten years hers, and I think he is responsible for that.

"I am going to give another example and this is an example of the fact that he did not try to dictate things even though he probably could have if he had been a leader of that style. That goes back to the short session in 1990. You all will recur we were in a budget crunch in that year. It was not like last year it was something controllable and you could deal with and was not of that kind of magnitude. Senator Barnes had a view of what should have been done and he tried to convince many of us to follow that view. The view

did not prevail. The minority party, the majority of the minority party members in here and the majority of the majority party in here did not favor that view. And when Senator Barnes realized that, he then took the lead on the view of the consensus of the Senate; and that, of course, did not matter in getting it through the Senate because that was the consensus of the Senate. But the House had a view of the issue that was led more closely akin to what Senator Barnes thought to begin with, but he took the Senate position and led it in confrontation with the House and we prevailed. That is the kind of leader that I think is rare. In fact, I cannot say that I have ever seen it before and why I think this Body has acted, in my opinion, as a great legislative Body during the four years of his leadership.

"I thought a great deal about what I wanted to say this morning and particularly searched for a way to close this speech so that I could give Senator Barnes a proper tribute as I feel. While doing that I remembered that maybe the words that fit the occasion already have been written. They were penned by a wonderful word-smith long ago and far away and they go like this, 'If you can talk with crowds and keep your virtue or walk with kings nor loose the common touch, if neither foes nor loving friends can hurt you, if all men count with you, but none too much, if you can fill the unforgiving minute with sixty seconds worth of distance run, yours is the earth and everything that's in it and which is more, you will be a man my son.' Henson P. Barnes, quite a friend, quite a leader, quite a man."

By Senator Basnight:

"Members of this Body, Senator Winner mentioned that he was given the task of redistricting the State, and he thought that was difficult. You try the one that Henson gave me. When I was elected eight years ago, as many of us in this Body who came together can well recall, we came with a great deal of excitement. We had our vision, our wishes, and our dreams of what this State would and should, could become. After that first session, some of us on the back row and some in the front stood on the rear of this Chamber and we wondered why we were here, because we had played very little part in the deliberations and decisions that were made. We wondered if we even wanted to come back to a body that we had worked so hard to get to, and there was good reason for that because we were not a part of the process; and it seemed to continue to another year, to another time. We did, basically, what we were told and that was the rule of the Senate. And they are hard words to explain to people who haven't served here who don't recall; and most especially to the newer members who have been here since Henson Barnes made the changes that were necessary to make all North Carolinians that were elected to these seats a part of the process.

"He gave us those opportunities and now we have a Body that brings from its individual districts the thoughts and the wishes of those people that live in this State and the opportunity to express them through that committee process or in the halls with the Senator or in conversation in the many phone calls that we have all had with him. He gave us the freedom, he gave us the opportunity to use all our abilities to which we were given those to express those concerns that we have. He gave me a chance and I wonder today why but I'm here; and I'm doing today what I believe is right as all of us do jointly and together. For him, I certainly thank him and I'll always owe the man a great deal.

"When I did come, Melvin Daniels who served in this Body for ten years told me there was one man that you need to look up, there's one man you need to find. And out of the whole Body that man was Henson Barnes. I didn't know Henson Barnes at the time. And I went to him, as a freshman as I was, and very humbly introduced myself. He put his arms around me and in the Building at that time and he give me some advice that I'll always cherish and always remember. And that was to keep your independence, your thoughts, and your expressions and use them; and don't be fearful, move forward and do what you believe is right regardless of the situation and I'll be there to help you wherever I can. And he's done that to me as he has done to many, many, many others.

"Henson, I believe Melvin was right in saying that you were fair and you were honest and you were truthful, and you would do what was right for North Carolina and all its

people at all times regardless of the outcome. My Dad said, as I grew up, and my Dad had no education, he was but a small cement contractor on the Outer Banks; he told me through life you will receive help from special people and you will look back on those people and you will always remember them, because without that help you will never achieve any of your goals. You will never become what you can. Be it that you find yourself in some sort of trouble, be it you have trouble in your job somewhere, whatever it is in the difficulties that we face in life, there will be someone to show up right in the most perfect of times to get you out of that dilemma. He's that kind of person that my Dad spoke of. He is the kind of person that is there to assist and help us. Henson, you made this Body better than it's ever been. You gave it it's opportunities, you gave it the life that it deserves and the people of North Carolina demand. You do it honestly and you do it in a fashion that I doubt that anybody will ever repeat. You're a wonderful human being. I thank you and I thank your family and good to see you up there, Eddie."

By Senator Lee:

"Thank you, Mr. President. Members of the Senate, we pause here for a few moments today to, in my opinion, respect and honor a very important person in many of our lives, in this not only political arena but the State. And I'm reminded of an incident once where Senator Barnes, a preacher, called a group of little kids up on one Sunday morning to give them their pre-church lecture; and he said to them I'm going to describe something and I want you to tell me what it is. It has a little head, little body, great big bushy tail. It can scamper up trees and jump from limb-to-limb, like it's flying. What is it? And one little boy said, it's God. And the preacher said, now, son, how in the world did you describe God based on what I just described to you? The little boy said because I know that you called us up here to talk about something more important than a squirrel.

"We are here to honor an important person who is not quite God, but sometimes some of us may feel that he comes close, but he is far, far more important and far, far above a squirrel.

"I met Senator Barnes, Representative Barnes, in 1976. And I was attracted to Henson at that time and we got to know each other during that year; 1976 was a good year for me. And then when I came to Raleigh as Secretary of Natural Resources I had the great fortune of working with Senator Barnes on a very important asset for our State, our State Park System. Henson, then was a strong advocate for state parks and he pushed harder than any person I know for funding for State Parks. And the thing that impressed me is that most of the time he stood alone; got very little help out of either the House or the Senate, pushing for those appropriations, but he was tenacious and he never quit. I learned to respect him then. I came to admire him then, and that was the beginning of a friendship for both of us.

"I kept up with Senator Barnes during those years in between and little did I know that one day I would end up in the North Carolina Senate. And came back to rekindle that relationship with Senator Henson Barnes once more. I feel fortunate to serve in this Body, but I feel more fortunate to have had the opportunity to serve and work closely with Senator Barnes because I have found him to be a fair man. I've found him to be an honest man. I found him to be a dependable man. If he says it, you can count on it. I have found him to be a practical man. I've found him to be a smart man, and a courageous man, but more importantly, above everything else, I have found him to be a good man. His perceptivity is second to none in that he can dissect a problem and cut straight to the core and offer options—for solutions.

"I like to describe him as a smooth operator, kind of like the wine connoisseur, Senator Goldston, who will tell you you don't gulp wine; you don't drink wine, Senator Murphy, you sip it. You savor every bit of the taste. You let it soothe and go down and before you know it, you've risen to a high level of comfort and enjoyment. And that's what Henson can do to you. You move in his office and you sit with him and he makes you feel comfortable. He makes you feel good. He relaxes you and then before you know it, Senator Plyler, you have agreed to do exactly what he wanted you to do when you walked in that office!! I like that kind of style. When I was a little boy, I got into an

argument with some of my friends, and I remember going to my grandfather who was an uneducated man, Senator Basnight, and I said, they don't like me and they don't agree with me; and he sat me down and he said, son, nobody has to like you. It's not important that they agree with you but you always make them respect you.

"Henson Barnes is a man you cannot help but like and sometimes a man with whom you disagree, but he's a man whom you always respect. Senator Barnes, I thank you for the opportunity you've given me to participate in the deliberations of this Body and as results of that I have no doubt that because of your support and your nurturing me to give me the opportunity to understand the proper operation of the North Carolina Senate some day I will be a good Senator. And some day historians will sit to write about these times which you and I have lived and I have no doubt that the name Henson Barnes will be among those on the pages of our history books when they write about these tough economic times through which we have just proceeded.

"Senator Barnes, this State needs you. You may be leaving the Senate, but you're not leaving North Carolina and I have great hopes that somebody, somewhere will be smart enough to reach out and touch you and convince you to come back and be among us, because we need your style, your leadership. And finally, Mr. President, it is said that the greatest leaders are those who can inspire others to be the best that they can be. Senator Barnes, you inspired those of us to be the best Senators we can be and you've inspired all of those you've touched to be the best they can be. I thank you for what you've given us. I thank you for your leadership; and I thank you for being a friend.

By Senator Perdue:

"Thank you, Mr. President, and Members of the Body. Barnes, I was going to tell the truth about you until I saw all your family up there so I'm going to say good things too. Today is a really good day for North Carolina, we have an opportunity to publicly honor a real friend, a long time friend to all the people in this great State, Henson Perrymore Barnes, a country lawyer, a blueberry farmer, a loving husband and a right-good daddy. Don't know about the son-in-law, we'll talk about that later. A truly good religious man who's also been known to tell a dirty joke or two, a people person who loves to tell tales and he tells me he likes to philosophize. He's also a bright analytical man with deep, deep thoughts who can spin intricate solutions to complex problems while at the same time, he guises those solutions in that down-east twang so you don't know what hits you until you've been run over.

"North Carolina has been blessed to have this man give of himself for eighteen years. I truly don't know how blessed his family has been to have lived without him as much as he's given. His footprints, my friends, will remain forever in this great State long after we're all home rocking in our rocking chairs. The convicted criminal may never know the name Henson Barnes, but let me tell you he'll feel the result of that tough Barnes legislation. A woman who might be trying to get a fair settlement during a divorce won't know about our friend, the Goldsboro lawyer, but she'll be better off because of the days he spent here with you. And when a little kid in a third grade class somewhere from Murphy to Manteo, goes home and tells his mama or his neighbor I like school, I like my teacher, Barnes' Senate Bill 2 shadow will loom across the State. And on a beautiful fall day, when the birds sing loudly in a North Carolina State Park, you'll feel the love and the leadership of Henson Barnes.

"Today is a good day; it's not a time of farewell. Our man, Barnes, is not going far. He'll be back in some role or the other. He loves this State; he loves it too much to go home. He'll be back. And you know what, my friends, the people of this State love him and need him too much to say good-bye; so today to our good friend and our good leader, Henson Barnes, we just say thank you, and God bless, and hurry on home, but we'll leave the light on for you until you get back!"

By Senator Hyde:

"Mr. President, Fellow Senators, Ladies and Gentlemen, I feel under some constraint today because I don't often rise and try to tell the whole truth so I'm going to be a little bit

held back because this is a day to tell the truth. First, let me tell you that you have heard some eloquent speakers; all taught by Henson Barnes to speak as they have. Secondly, they've been brief; he has taught brevity, I like that. And they have told the truth. For me to get along with a person that other person must be honest, that's first; Henson Barnes is. For me to be close to them, he must also be a hard worker; Henson Barnes is. For me to feel like a brother to them, they must have a sense of humor; Henson Barnes does. And there's not a lot of people in the world that has all that. In addition to that, too, and those on the back row please allow me to make this statement, he's a Democrat; I like that, too. Now that's not absolutely necessary to be friendly, but it helps. And I wouldn't be honest if I didn't say that, and so I admire him for the politics he follows. And yet, though he's partisan, I don't think even our fellow—on the back row, our fellow Senators, would ever say he's partisan to the point that he's done something that he thought himself wasn't good, I don't think anybody would ever say that about him. And then, finally, and I'm going to try to make this brief, finally Henson Barnes has common sense. Now he did not choose his wife; she choose him. That's rather obvious I should think, but he had the good sense to give her the opportunity, the good common sense to do that. And he has common sense. Now common sense is not common at all. I've said this before; in fact, it ought to be on the endangered species list, there's very little of it floating around, particularly in government and in politics. You just don't run into it often. Henson Barnes has that. And to me, at least, that is what has made him the great leader he has been. That's what has made all of us his great friend. Because he doesn't speculate, in all these things that don't have any sense to it.

"Henson Barnes has been true to himself. I seldom stand to speak without referring to either the Bible or Shakespeare, so forgive me for one line. From Polonius, and I've said this before, who was the most talkative old man on earth and he said, '...brevity is the soul of wit...,' but he did say this to his son after he lectured him for a long time, finally, he said, 'To thine own self, be true.' Henson Barnes is that man."

By Senator Winner:

"Mr. President, I know that all of the members in here would like to give verbal tribute to Senator Barnes, but there are lots of folks who've come a long way to also pay tribute to him and for that reason, I now move that we recess until 2:00 P.M. and as part of that motion I, Mr. President, I move that the Sergeant-at-Arms and the Sergeant-at-Arms Staff escort Senator Barnes and his family across the way behind the Archives Building where we will all follow for further festivities and tributes to Senator Barnes and that we reconvene here at 2:00 P.M."

Prior to placing the motion of Senator Winner, the Chair places the question of adoption of the Senate simple resolution before the Senate. The Senate simple resolution is adopted by a roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—48.

Voting in the negative: None.

Consequently, the motion of Senator Winner prevails and the Sergeant-at-Arms escorts Senator Barnes and his family from the Senate Chamber, followed by the members of the Senate, as the Senate stands in recess to reconvene at 2:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson Barnes, President *Pro Tempore*, who presides in the absence of the President of the Senate, Lieutenant Governor Gardner.

Senator Barnes expresses his heartfelt appreciation to the members of the Senate for the courtesies shown him on this day, to the members of his staff, and to the members of the legislative staff, and to all those participating in recognizing his honor.

Due to his absence from the morning session, Senator Daughtry offers a motion to suspend the rules to allow him to be recorded voting "aye" on the adoption of **S.R. 1260**, a Senate simple resolution honoring Henson Perrymoore Barnes, President *Pro Tempore* of the Senate, and proclaiming Henson Perrymoore Barnes Day in the Senate.

With unanimous consent, the motion prevails and Senator Daughtry is recorded voting "aye" on the adoption of **S.R. 1260**. The Chair announces the vote adjusted (49-0).

The Chair extends courtesies of the gallery to Melvin R. Daniels, Former Senator from Pasquotank County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 292, an act to make technical corrections in the Disability Income Plan of North Carolina. (Ch. 779)

S.B. 1053, an act to cancel the school board elections for the Eden City, Western Rockingham City, and Rockingham County School Boards scheduled for November 1992 and to extend terms on those Boards expiring December 1992 to June 30, 1993. (Ch. 780)

H.B. 1432 (Committee Substitute), an act to set the 1992 and 1993 election calendar for the Anson County Board of Commissioners. (Ch. 781)

H.B. 1649, an act to provide a procedure for an unaffiliated candidate for President who has qualified for ballot access to name candidates for elector and for Vice-President. (Ch. 782)

H.J.R. 1651, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of Algernon Augustus Zollicoffer, Jr., distinguished citizen of North Carolina and former State Representative. (Res. 49)

REPORT OF COMMITTEE

A bill is reported from standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Hunt for the **Election Laws Committee**:

H.B. 1548, a bill to make a technical correction in the place of filing of notices for candidacy for school board in Cumberland County, with a favorable report.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of, as follows:

S.B. 740 (Committee Substitute), a bill to grant qualified immunity to the Peer Review Committee of the North Carolina Chiropractic Association, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 740** (House Committee Substitute), a bill relating to runners for health care providers.

Referred to **Judiciary I Committee**

S.B. 1073 (House Committee Substitute), a bill to allow counties to require prisoners to work on projects to benefit units of State or local government, for concurrence in the House Committee Substitute bill.

Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee.**

H.B. 1577, a bill to prohibit hunting from public roads in Mitchell County.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 1176, a bill to establish by a description the boundaries for Jot-Um-Down Fire District in Surry County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Richardson, Royall, Sands, Seymour, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—40.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1177, a bill to establish by a description the boundaries for C.C. Camp Fire District in Surry County, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Daniel, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Richardson, Royall, Sands, Seymour, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—41.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 726 (House Committee Substitute), a bill concerning the Workers' Compensation Security Fund, recommitted to the **Manufacturing and Labor Committee** on June 24.

Senator Parnell offers a motion that the rules be suspended and the House Committee Substitute bill be taken from the **Manufacturing and Labor Committee** and placed on the Calendar for today in its regular order of business, which motion prevails.

The Chair orders the House Committee Substitute bill placed on the Calendar for today in its regular order of business, for concurrence in the House Committee Substitute bill, upon second reading.

CALENDAR (Continued)

S.B. 1124, a bill to authorize the County of Franklin to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1161, a bill to provide for a fox trapping season in Caswell County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 1182, a bill to place a moratorium on disposition of property by the City of Roxboro at the Lake Roxboro Project in Caswell County under a 1989 local act, and to toll a statute of limitations under that act.

Without objection, on motion of Senator Daniel, the bill is temporarily displaced.

H.B. 1411, a bill to remove the City of Kinston's local modifications to G.S. 58-84-30 and G.S. 58-84-35.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1424, a bill to increase the supplemental retirement benefits for the firefighters of the City of Shelby.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1425, a bill to rewrite the law regarding the Lumberton Firemen's Supplemental Fund.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1441 (Committee Substitute), a bill to allow the City of Mount Airy and the County of Ashe to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 1468 (Committee Substitute), a bill making a qualified exception from the Public Records Act for the Brunswick County Geographical Information System.

On motion of Senator Lee, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 1468** (Committee Substitute), a bill making a qualified exception from the Public Records Act for the Brunswick and Johnston Counties Geographical Information System.

The Committee Substitute Bill, as amended, passes its second and third readings and is ordered sent to the House of Represenatives, for concurrence in Senate Amendment No. 1.

H.B. 1470, a bill to authorize the Towns of Holden Beach, Sunset Beach, Long Beach, Topsail Beach, North Topsail Beach and Surf City to create sea turtle sanctuaries.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1474, a bill to prohibit hunting from public roads in Davidson County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1486, a bill to prohibit hunting on or across State Road 1205 in Camden County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1490, a bill to create a new offense of third-degree trespass in Iredell County.

Without objection, on motion of Senator Lee, the bill is temporarily displaced.

H.B. 1491, a bill to increase the fine for violation of any regulation of the Lake Norman Marine Commission.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1493 (Senate Committee Substitute), a bill to allow certain counties to acquire property for use by certain county boards of education and to authorize certain local boards of education to convey property to the County in connection with improvements and repair of the property.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1535, a bill to authorize the City of Conover to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance.

The bill passes its second and third readings and ordered enrolled.

H.B. 1556, a bill to rewrite the law revising and consolidating the Charter of the City of Lenoir as it relates to the City of Lenoir's Firemen's Supplemental Retirement Fund.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1575, a bill to modify Chapter 546 of the 1987 Session Laws to remove the municipalities of Apex and Fuquay-Varina from the South Wake Airport Authority.

On motion of Senator Lee, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 1576, a bill to allow Emerald Isle to regulate personal watercraft operation.

The bill passes its second and third readings and is ordered enrolled.

S.B. 1182, a bill to place a moratorium on disposition of property by the City of Roxboro at the Lake Roxboro Project in Caswell County under a 1989 local act, and to toll a statute of limitations under that act, temporarily displaced earlier.

Senator Daniel offers Amendment No. 1 which is adopted (48-0), changing the title to read **S.B. 1182**, a bill relating to disposition of property by the City of Roxboro at the Lake Roxboro Project in Caswell County.

The bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 1490, a bill to create a new offense of third-degree trespass in Iredell County, temporarily displaced earlier.

On motion of Senator Lee, the bill is re-referred to the **Judiciary II Committee**.

S.B. 1023, a bill to change the maintenance of effort provision for the public schools of Robeson County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 1193 (Committee Substitute), a bill to authorize joint agencies to provide aid and assistance to municipalities and joint municipal assistance agencies as recommended by the Joint Legislative Utility Review Committee and to clarify the authority to invest joint agency funds, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith,

Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—48.

Voting in the negative: None

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1235, a bill to change the name of the Department of Economic and Community Development, and to make technical and conforming amendments to various laws, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1255 (Committee Substitute), a bill to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued and to allow the refunding of multifamily housing bonds issued by local governments and nonprofit organizations, upon third reading.

With unanimous consent, Senator Winner is excused from voting.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Warren—45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 1322 (Senate Committee Substitute), a bill to increase the amount of beer a mini-brewery can sell to consumers at the brewery and to make changes to the alcoholic beverage laws, as amended, upon third reading.

With unanimous consent, on motion of Senator Ballance, the Senate Committee Substitute bill is taken up out of its regular order of business.

Senator Ballance calls the previous question seconded by Senator Murphy. The call is sustained (44-4).

The Senate Committee Substitute bill, as amended, passes its third reading (39-8) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

H.B. 1417 (Committee Substitute), a bill to extend the corporate limits of the Village of Pinehurst, referred to the **Finance Committee** on Wednesday, June 24.

Senator Daniel offers a motion that the rules be suspended and the Committee Substitute bill be taken from the **Finance Committee** and placed on the Calendar for today after **H.B. 1494**, a bill to permit the County of Stanly to rename County public and private roads, which motion prevails.

The Chair orders the Committee Substitute bill placed on today's Calendar after **H.B. 1494**.

CALENDAR (Continued)

H.B. 863, a bill to require that at least twenty-five percent of the proceeds from bingo games be used for charitable purposes, as amended, upon third reading.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business.

On motion of Senator Sands, further consideration of the bill, as amended, is postponed until Tuesday, June 30.

S.B. 973, a bill to direct the Department of Administration to study and recommend methods for encouraging State employees to use public transit in commuting to work.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1256, a bill to clarify that local governmental entities are eligible to receive grant funds for domestic violence centers.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 192, a bill recommended by the Juvenile Law Study Commission to allow termination of parental rights after a parent has left a child in foster care for twelve months without making reasonable progress towards correcting the conditions that led to foster care, as amended.

Senator Odom offers Amendment No. 2 which is adopted (37-12), changing the title, upon concurrence, to read **H.B. 192**, a bill recommended by the Juvenile Law Study Commission to allow termination of parental rights after a parent has left a child in foster care for twelve months and the court finds that no progress has been made in correcting the conditions that led to foster care, the parent has neither expressed nor displayed a serious interest in correcting those conditions, and the parent is not prevented by physical or mental disability from correcting those conditions.

The bill, as amended, passes its second (40-9) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee**:

S.B. 1003, a bill to provide that contractors' inventories will be entitled to the same property tax exemption as manufacturers', retailers', and wholesalers' inventories, with a favorable report.

H.B. 1344, a bill to modify the provisions governing expenditure of the Hyde County Occupancy Tax, with a favorable report.

H.B. 1346 (Committee Substitute), a bill to annex a described area to the Town of Elizabethtown, and conditionally forbid its annexation prior to the effective date of the legislative annexation, with a favorable report.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Smith, Soles, Staton, Tally, Walker, Ward, Warren, and Winner—47.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 29, for further consideration upon third reading.

H.B. 1367, a bill to authorize the Town of Yaupon Beach to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 1378, a bill to authorize Washington County to levy a room occupancy and tourism development tax, with a favorable report.

H.B. 1382, a bill to allow the Town of Hillsborough to raise the tax on motor vehicles, with a favorable report.

H.B. 1466, a bill to authorize Hyde County to assess benefited property in advance of improvements to subdivision and residential streets, with a favorable report.

H.B. 1467, a bill to allow the Town of Caswell Beach to make special assessments for undergrounding of utilities, with a favorable report.

H.B. 1323 (Committee Substitute), a bill to replace the authority of counties to retain their costs in collecting the State's share of the deed stamp tax with the authority to retain a fixed percentage of the revenue from that tax, with a favorable report, as amended.

S.B. 1010, a bill to authorize the Department of Revenue to allow or require payment of taxes by electronic funds transfer and to appropriate funds for automation necessary to implement the Electronic Funds Transfer Program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1010** (Committee Substitute), a bill to authorize the Department of Revenue to allow or require payment of taxes by electronic funds transfer, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 29, for further consideration.

S.B. 1113, a bill relating to general obligation bonds of the State of North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1113** (Committee Substitute), a bill to authorize the construction and financing of a capital improvements project at North Carolina State University at Raleigh, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 29, for further consideration.

S.B. 1229 (Committee Substitute), a bill to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina and providing for the distribution of the income from the sale of the plates, with an

unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for Monday, June 29, for further consideration.

By Senator Basnight for the Appropriations Committee:

S.B. 1093, a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year and to make other changes in the budget operation of the State, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, and the Committee Substitute bill, which changes the title to read S.B. 1093 (Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, to amend the Constitution of North Carolina, and to make conforming statutory changes, is placed before the Senate for immediate consideration.

On motion of Senator Basnight, the Committee Substitute bill is adopted.

The Chair rules the Committee Substitute bill a roll-call measure requiring a three-fifths majority affirmative vote.

On motion of Senator Basnight, the Committee Substitute bill is re-referred to the Finance Committee.

The Chair declares the Senate in recess at 3:00 P.M. for the purpose of committee meetings to reconvene at 4:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Ballance for the Alcoholic Beverage Control Committee:

H.B. 465, a bill to limit the sales of malt beverages in the City of Columbia, Tyrrell County, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 556
(House Committee Substitute)

House of Representatives
June 25, 1992

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to SB. No. 556, A BILL TO BE ENTITLED AN ACT TO ALLOW ABSENTEE VOTING IN REFERENDA ON INCORPORATION OF A MUNICIPALITY. the Speaker has appointed as conferees on the part of the House, Representatives Michaux, Bob Hunter, Holt and Dawkins to act with a like committee

on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

With unanimous consent, on motion of Senator Daniel, the Senate recesses at 5:00 P.M. for the purpose of committee meetings to reconvene at 5:10 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

CALENDAR (Continued)

H.B. 357, a bill to specify the powers of the Board of Medical Examiners regarding real property.

The bill passes its second (39-0) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Seymour for the **Public Utilities Committee**:

H.B. 1464, a bill to provide that Duplin, Hertford, and Martin Counties are authorized to construct gas lines, with a favorable report.

On motion of Senator Seymour, the rules are suspended, and the bill is placed before the Senate for immediate consideration, upon its passage.

Senator Soles offers Amendment No. 1 which is adopted (43-0).

The bill, as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

By Senator Lee for the **Local Government and Regional Affairs Committee**:

S.B. 1147, a bill to make administrative changes to local option legislation for Dare County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lee, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1147** (Committee Substitute), a bill to provide a maximum penalty for the Dare room tax and meals tax and to make clarifying changes to the penalties, is placed before the Senate for immediate consideration.

On motion of Senator Lee, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, June 29, for further consideration.

H.B. 1479, a bill to exempt Martin County from certain zoning notice requirements, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Lee, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, June 29, for further consideration.

H.B. 172 (Senate Committee Substitute), a bill to resume electing the Tax Collector of Mitchell County, with a favorable report.

With unanimous consent, on motion of Senator Kincaid, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 1, for further consideration.

CALENDAR (Continued)

H.B. 1117 (Senate Committee Substitute), a bill to amend the law regarding the transfer of jurisdiction over a juvenile to superior court for trial as an adult.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1334, a bill to amend the title and scope of the Agriculture, Forestry, and Seafood Awareness Study Commission by deleting Seafood from the Commission's title and area of study.

The bill passes its second (44-0) and third (43-0) readings and is ordered enrolled.

H.B. 1369, a bill to amend the General Statutes relating to shellfish leases.

The bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 1423 (Committee Substitute), a bill concerning the consent of New Hanover and Pender Counties with regard to certain land acquisitions in those counties.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 1494, a bill to permit the County of Stanly to rename County public and private roads.

On motion of Senator Lee, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read **H.B. 1494**, a bill to permit the County of Stanly to rename County public and private roads and to make a technical correction in a similar act relating to Watauga County.

The bill, as amended, passes its second (44-0) and third readings is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 1417 (Committee Substitute), a bill to extend the corporate limits of the Village of Pinehurst, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Staton, Tally, Walker, and Warren—43.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 29, for further consideration upon third reading.

S.B. 726 (House Committee Substitute), a bill concerning the Workers' Compensation Security Fund, for concurrence in the House Committee Substitute bill, upon second reading.

Without objection, on motion of Senator Sands, the House Committee Substitute bill is temporarily displaced.

RECONSIDERATION

H.B. 1334, a bill to amend the title and scope of the Agriculture, Forestry, and Seafood Awareness Study Commission by deleting Seafood from the Commission's title and area of study, ordered enrolled earlier today.

Senator Speed offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails, and the question becomes passage of the measure upon third reading.

On motion of Senator Speed, without objection, the bill is placed on the Calendar for Wednesday, July 1, for further consideration upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee**:

S.B. 1093 (Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, to amend the Constitution of North Carolina, and to make conforming statutory changes, with a favorable report.

CALENDAR (Continued)

S.B. 726 (House Committee Substitute), a bill concerning the Workers' Compensation Security Fund, for concurrence in the House Committee Substitute bill, upon second reading, temporarily displaced earlier.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—42.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Monday, June 29, for concurrence upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 945
(Senate Committee Substitute)

House of Representatives
June 25, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB. No. 945, A BILL TO BE ENTITLED AN ACT TO ADJUST FEES IN THE GENERAL COURT OF JUSTICE AND THE FACILITIES FEE, TO ALLOW THE PRORATING OF WATER FEES, AND TO ESTABLISH THE PERCENTAGE RATE FOR THE INSURANCE REGULATORY CHARGE AND THE PUBLIC UTILITY REGULATORY FEE and request conferees.

Respectfully,
S/Grace A. Collins
Principal Clerk

On motion of Senator Royall, seconded by Senator Conder, the Senate adjourns at 5:40 P.M. to meet Monday, June 29, at 8:00 P.M.

ONE HUNDRED TWENTY-FIRST DAY

SENATE CHAMBER,
Monday, June 29, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, marathon runners call it the wall; That point in a race when neither mind nor body seems to function at moving the runner forward; extreme fatigue sets in, and one's greatest desire is to fall away on the roadside and quit the race. Yet those who have trained diligently find that from somewhere in their personal reservoir they summon enough strength for legs to keep moving and for the finish line to be achieved.

"With much still to do, and with only partial control of the process, staff persons, clerks, and the senators may encounter such a wall. If that happens remind them of the words of Isaiah: 'Have you not known? Have you not heard? ...they who wait for the Lord shall renew their strength, they shall mount up with wings like eagles, they shall run and not be weary, they shall walk and not faint.'

"Thanks for the promise of strength to finish the race. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of Thursday, June 25, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Raynor, due to the death of close friends and to Senator Block.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 992, an act to permit a trust company to be acquired by a bank holding company. (Ch. 783)

S.B. 1004, an act to provide for improvements in the operations of the FAIR and Beach Plans. (Ch. 784)

S.B. 1066, an act to amend the title and scope of the Agriculture, Forestry, and Seafood Awareness Study Commission by deleting seafood from the Commission's title and area of study. (Ch. 785)

S.B. 1156 (Committee Substitute), an act to allow closed-loop groundwater remediation systems. (Ch. 786)

H.B. 357, an act to specify the powers of the Board of Medical Examiners regarding real property. (Ch. 787)

H.B. 1369, an act to amend the General Statutes relating to shellfish leases. (Ch. 788)

H.B. 1411, an act to remove the City of Kinston's local modifications to G.S. 58-84-30 and G.S. 58-84-35. (Ch. 789)

H.B. 1423 (Committee Substitute), an act concerning the consent of New Hanover and Pender Counties with regard to certain land acquisitions in those counties. (Ch. 790)

H.B. 1424, an act to increase the supplemental retirement benefits for the firefighters of the City of Shelby. (Ch. 791)

H.B. 1425, an act to rewrite the law regarding the Lumberton Firemen's Supplemental Fund. (Ch. 792)

H.B. 1441 (Committee Substitute), an act to allow the City of Mount Airy and the County of Ashe to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance. (Ch. 793)

H.B. 1470, an act to authorize the Towns of Holden Beach, Sunset Beach, Long Beach, Topsail Beach, North Topsail Beach and Surf City to create sea turtle sanctuaries. (Ch. 794)

H.B. 1474, an act to prohibit hunting from public roads in Davidson County. (Ch. 795)

H.B. 1486, an act to prohibit hunting on or across State Road 1205 in Camden County. (Ch. 796)

H.B. 1491, an act to increase the fine for violation of any regulation of the Lake Norman Marine Commission. (Ch. 797)

H.B. 1524, an act to rewrite the law establishing the Supplementary Pension Fund for Firemen in the City of Sanford. (Ch. 798)

H.B. 1535, an act to authorize the City of Conover to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance. (Ch. 799)

H.B. 1556, an act to rewrite the law revising and consolidating the Charter of the City of Lenoir as it relates to the City of Lenoir's Firemen's Supplemental Retirement Fund. (Ch. 800)

H.B. 1576, an act to allow Emerald Isle to regulate personal watercraft operation. (Ch. 801)

MOTION TO SEND SPECIAL MESSAGE

S.B. 1193 (Committee Substitute), a bill to authorize joint agencies to provide aid and assistance to municipalities and joint municipal assistance agencies as recommended by the Joint Legislative Utility Review Committee and to clarify the authority to invest joint agency funds.

With unanimous consent, on motion of Senator Johnson, the Committee Substitute bill, ordered sent to the House of Representatives on Thursday, June 25, is ordered sent by special messenger.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

H.B. 1561, a bill to clarify the development, delegation, and injunctive relief provisions of the Coastal Area Management Act, with a favorable report.

H.B. 1593, a bill to clarify the authority of the Commission for Health Services to adopt rules limiting the number of service connections to a public water system based on the quantity of water available to the system, with a favorable report.

H.B. 1583, a bill to clarify the authority of the Department of Administration to adopt rules to implement the North Carolina Environmental Policy Act of 1971 and of State agencies to adopt rules establishing minimum criteria, with a favorable report, as amended.

S.B. 1159 (Committee Substitute), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection and disposal of non-hazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources and to allow all local governments to enter into such contracts, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Tally, the rules are suspended, and the Committee Substitute bill No. 2, which changes the title to read **S.B. 1159** (Committee Substitute No. 2), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection or disposal of nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources, to establish a uniform maximum duration of such contracts, and to allow all local governments to enter into such contracts, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, June 30, for further consideration.

H.B. 1545 (Committee Substitute), a bill to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion is adopted.

On motion of Senator Tally, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 61 (Committee Substitute), a bill to appoint a person to fill a vacancy on the Wildlife Resources Commission upon the recommendation of the President of the Senate-2, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 61** (House Committee Substitute), a bill to appoint persons to various boards and commissions upon the recommendation of the President of the Senate.

Referred to **Rules and Operation of the Senate Committee.**

S.B. 682 (House Committee Substitute), a bill to amend Statutes regulating housemoving, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, June 30.

S.B. 997, a bill to make omnibus and technical changes to the savings institutions laws, for concurrence in House Amendment No. 1.

Amendment No. 1 is held to be material and receipt of the message from the House of Representatives constitutes first reading. The Chair orders the measure placed on the Calendar for tomorrow, June 30, for concurrence, upon second reading.

S.B. 1040 (House Committee Substitute), a bill to modify the maximum tax limit for the Town of Badin and change the method of calculating limits on increases, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, June 30.

S.J.R. 1068, a joint resolution to commemorate the One Hundredth Anniversary of Forestry in North Carolina, for concurrence in the House Committee Substitute joint resolution, which changes the title, upon concurrence, to read **S.J.R. 1068** (House Committee Substitute), a joint resolution honoring the life and memory of Gifford Pinchot and commemorating the One Hundredth Anniversary of Forestry in North Carolina and in the United States, which is placed on the Calendar for tomorrow, June 30.

H.B. 163 (Committee Substitute), a bill to provide a tax credit for the use of North Carolina ports.

Referred to **Finance Committee.**

H.B. 1366 (Committee Substitute), a bill to expand the school lunch sales tax exemption to include all school foods served by school cafeterias during the school day and foods sold by school cafeterias to day care centers.

Referred to **Finance Committee.**

H.B. 1454 (Committee Substitute), a bill to establish electoral districts for the merged Edgecombe County Board of Education.

On motion of Senator Martin of Pitt, the rules are suspended without objection, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 1497, a bill relating to purchasing by the City of Winston-Salem.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 1501, a bill to extend the exemption of Union County from certain statutory requirements in the construction of a County detention facility.

Referred to **Local Government and Regional Affairs Committee.**

H.B. 1539, a bill to change the pay date for certain employees of the Hendersonville City Schools, the Henderson County Schools, and the Henderson County Public Schools.

Referred to **Education Committee.**

H.B. 1560, a bill to modify the method of electing the County Commissioners of Robeson County so that the general election is within the districts previously established for nomination.

Referred to **Election Laws Committee.**

S.B. 185, a bill to extend the sunset on the partial tax exemption for foreign sales corporations and to modify Department of Revenue reporting dates in order to provide sufficient information for the General Assembly to decide whether to retain the tax

exemption, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 185** (House Committee Substitute), a bill concerning the taxation of corporations that attribute part of their income from the sale of certain export property to a foreign sales corporation.

The House Committee Substitute bill is held to be material and receipt of the message from the House of Representative constitutes first reading.

Referred to **Finance Committee.**

H.B. 1504, a bill to authorize Pitt County to create rescue/emergency medical services protection districts.

Referred to **Finance Committee.**

H.J.R. 1660, a joint resolution honoring the life and memory of Carson Gregory, former member of the General Assembly.

On motion of Senator Johnson, the rules are suspended without objection, and the joint resolution is placed before the Senate for immediate consideration.

The Chair directs the Reading Clerk to read the joint resolution in its entirety.

The joint resolution passes its second (43-0) and third readings and is ordered enrolled.

The Chair extends courtesies of the gallery to family members of Carson Gregory, former member of the General Assembly: Frances Gregory Avery, Ronald Avery, Carra Avery, Ron Avery, Joe Gregory, and Alex Gregory.

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Conder for the **Education Committee:**

S.B. 1099, a bill to establish electoral districts for the merged Edgecombe County Board of Education, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, June 30, for further consideration.

S.B. 1216, a bill to authorize certain boards of education to request and receive a waiver of State laws regarding funding for teacher assistants, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Conder, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1216** (Committee Substitute), a bill to allow the State Board of Education to authorize the Charlotte-Mecklenburg Board of Education to use funds appropriated for teacher assistants for teachers under certain circumstances, is placed before the Senate for immediate consideration.

On motion of Senator Conder, the Committee Substitute bill is adopted.

On motion of Senator Conder, the Committee Substitute bill is not sequentially referred to the **Appropriations Committee** and is ordered placed on the Calendar for tomorrow, June 30, for further consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 999 (House Committee Substitute), a bill to amend the Medicare Supplement Insurance Statutes as required by federal law, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, June 30.

S.B. 1169 (Committee Substitute), a bill to clarify certain deductibles applicable to the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund, to make current landowners who engage in cleanups eligible for reimbursement from the Commercial Fund, and to add two members to the Petroleum Underground Storage Tank Funds Council, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 30.

H.B. 916 (Committee Substitute), a bill to provide that reimbursements to local governments shall be provided by earmarking rather than by appropriation and to provide that the Fiscal Trends Study Commission shall study local government fiscal issues.
Referred to **Appropriations Committee.**

H.B. 1335 (Committee Substitute), a bill to limit the liability of farmers who allow gleaning.
Referred to **Judiciary I Committee.**

H.B. 1386, a bill to permit the Commissioner of Labor to impose penalties against public agencies for OSHA violations.
Referred to **Appropriations Committee.**

H.B. 1389, a bill to require State construction site safety study and the designation of safety officers on State construction sites and to require minority and women representation on the State Building Commission.
Referred to **Appropriations Committee.**

H.B. 1390, a bill to establish a workplace requirements program for the safety and health of all State employees.
Referred to **Appropriations Committee.**

H.J.R. 1604, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution authorizing the Legislative Research Commission to study the State of prehospital emergency cardiac care in North Carolina.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 1657, a bill to abolish the North Carolina Council on Interstate Cooperation, which has not met since 1979.
Referred to **State Personnel and State Government Committee.**

H.B. 1661, a bill to validate the registration of instruments signed in the name of the register of deeds by the register's assistant or deputy and initialed by the assistant or deputy.
Referred to **Judiciary I Committee.**

H.J.R. 1664, a joint resolution honoring the memory of General Benjamin Smith on the Bicentennial of the City of Southport.
Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 1346 (Committee Substitute), a bill to annex a described area to the Town of Elizabethtown, and conditionally forbid its annexation prior to the effective date of the legislative annexation, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1417 (Committee Substitute), a bill to extend the corporate limits of the Village of Pinehurst, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1367, a bill to authorize the Town of Yaupon Beach to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 30, for further consideration upon third reading.

H.B. 1378, a bill to authorize Washington County to levy a room occupancy and tourism development tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 30, for further consideration upon third reading.

H.B. 1382, a bill to allow the Town of Hillsborough to raise the tax on motor vehicles, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 30, for further consideration upon third reading.

H.B. 1466, a bill to authorize Hyde County to assess benefited property in advance of improvements to subdivision and residential streets, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 30, for further consideration upon third reading.

H.B. 1467, a bill to allow the Town of Caswell Beach to make special assessments for undergrounding of utilities, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, June 30, for further consideration upon third reading.

S.B. 1147 (Committee Substitute), a bill to provide a maximum penalty for the Dare room tax and meals tax and to make clarifying changes to the penalties.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 465, a bill to limit the sales of malt beverages in the City of Columbia, Tyrrell County.

The bill passes its second and third readings and is ordered enrolled.

RECONSIDERATION

S.B. 1147 (Committee Substitute), a bill to provide a maximum penalty for the Dare room tax and meals tax and to make clarifying changes to the penalties, ordered sent to the House of Representatives earlier today.

Senator Basnight offers a motion that the rules be suspended and the bill placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails.

Senator Basnight offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails, and the question becomes passage of the measure upon third reading.

Senator Basnight offers a motion that the vote by which the Committee Substitute bill passed its second reading be reconsidered, which motion prevails, and the question becomes passage of the measure upon second reading.

The Chair rules the Committee Substitute bill requires a call of the roll and the measure remains before the Senate upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston,

Hartsell, Hunt, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 30, for further consideration upon third reading.

CALENDAR (Continued)

H.B. 1344, a bill to modify the provisions governing expenditure of the Hyde County Occupancy Tax.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1479 (Senate Committee Substitute), a bill to exempt Martin County from certain zoning notice requirements.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1548, a bill to make a technical correction in the place of filing of notices for candidacy for school board in Cumberland County.

The bill passes its second and third readings and is ordered enrolled.

S.B. 1010 (Committee Substitute), a bill to authorize the Department of Revenue to allow or require payment of taxes by electronic funds transfer, upon second reading.

Without objection, on motion of Senator Winner, the Committee Substitute bill is temporarily displaced.

S.B. 1093 (Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, to amend the Constitution of North Carolina, and to make conforming statutory changes, upon second reading.

On motion of Senator Basnight, consideration of the Committee Substitute bill is postponed until tomorrow, June 30.

S.B. 1113 (Committee Substitute), a bill to authorize the construction and financing of a capital improvements project at North Carolina State University at Raleigh, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, June 30, for further consideration upon third reading.

S.B. 1229 (Committee Substitute No. 2), a bill to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina and providing for the distribution of the income from the sale of the plates, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—46.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, June 30, for further consideration upon third reading.

S.B. 1003, a bill to provide that contractors' inventories will be entitled to the same property tax exemption as manufacturers', retailers', and wholesalers' inventories.

On motion of Senator Daniel, consideration of the bill is postponed until tomorrow, June 30.

H.B. 1323 (Committee Substitute), a bill to replace the authority of counties to retain their costs in collecting the State's share of the deed stamp tax with the authority to retain a fixed percentage of the revenue from that tax.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (45-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 726 (House Committee Substitute), a bill concerning the Workers' Compensation Security Fund, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—44.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1010 (Committee Substitute), a bill to authorize the Department of Revenue to allow or require payment of taxes by electronic funds transfer, upon second reading, temporarily displaced earlier.

On motion of Senator Winner, the Committee Substitute bill is re-referred to the Appropriations Committee.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the Finance Committee:

H.B. 1349, a bill to authorize the City of Kinston to impose a tax on motor vehicles of up to fifteen dollars, with a favorable report.

H.B. 1442, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County, with a favorable report.

S.B. 1223 (Committee Substitute), a bill to allow the Division to issue restricted commercial driver licenses to seasonal drivers for certain farm-related service industries, and to clarify the laws governing the issuance of limited driving privileges, and to make amendments and technical corrections to the motor vehicles laws, with a favorable report, as amended.

RE-REFERRAL

S.B. 1105, a bill to decrease State expenditures for safekeepers by clarifying the law regarding the medical costs of safekeepers and by changing the law regarding the transfer of safekeepers to the Department of Correction, referred to the **Finance Committee** on June 23.

Senator Daniel offers a motion that the rules be suspended and the bill be taken from the **Finance Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair order the bill re-referred to the **Appropriations Committee**.

REPORTS TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit reports (See Addendum) which are ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of Revenue submits its Revenue Comparative Statement of Net Collections for the months of May 1992 and 1991.

Pursuant to G.S. 115C-81(a), the State Board of Education submits its Report on the Basic Education Program.

WITHDRAWAL FROM COMMITTEE

S.B. 531 (House Committee Substitute), a bill to provide that the Eastern Band of Cherokee Indians shall be eligible to: (1) be a member of a regional solid waste management authority, and (2) apply for financing a project with a loan from the North Carolina Solid Waste Management Capital Projects Financing Authority, recommitted to the **Finance Committee** on July 9, 1991.

Senator Daniel offers a motion that the rules be suspended and the House Committee Substitute bill be taken from the **Finance Committee** and placed before the Senate for immediate consideration, which motion prevails.

The Chair orders the House Committee Substitute bill placed before the Senate for immediate consideration for concurrence in the House Committee Substitute bill upon second reading.

The Senate fails to concur in the House Committee Substitute bill on its second reading by roll-call vote, ayes 0, noes 45, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Allran, Ballance, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Senator Plexico offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

The President recognizes the following pages serving in the Senate this week: Javon Allen, Durham; William Anderson, New Bern; Brandon Peay Ashcraft, Monroe; Susan R. Boger, Mocksville; Jeffrey Scott Brown, Charlotte; Tanicia Coleman, Raleigh; Lorraine Dockery, Waynesville; Jonathan Alan Goad, Raleigh; Jackie Griffith, Raleigh; Christopher Steven Hinkle, Lexington; Amanda Leigh James, Robersonville; Natalie L. King, Raleigh; Kristi Jean Koonts, Lexington; Michelle L. Lawrence, Waxhaw; Meredith Paige Lovelace, Rocky Mount; David Cooper McCoy, Durham; James Thomas McMillan, Cary; Todd D. Moore, Raleigh; Lesley Powell, Waynesville; Melissa Hannah Powers, Lumberton; Burkley Ritch, Raleigh; Suzanne Michelle Rouse, Greenville; David Tennant, Raleigh; Mark Thigpen, Washington; Jodi Leigh Thomas, Hampstead; William E. Tillitt, Louisburg; Lindsay Vaughn, Cary; Leslie Nichole Vlaservich, Dallas; John Allen West, Raleigh; and Brent McCallum Wright, Raleigh.

On motion of Senator Royall, seconded by Senator Johnson, the Senate adjourns at 9:15 P.M. to meet tomorrow, June 30, at 1:30 P.M.

ONE HUNDRED TWENTY-SECOND DAY

SENATE CHAMBER,
Tuesday, June 30, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Reconciliation, it happens more often than we care to admit; we walk away from the negotiating table at which very important issues are being considered, wishing like Your prophet, NAHUM, that we might dance on our adversaries' graves rather than accede to their demands.

"We say it's a matter of principle, when viewed with the clarity that only retrospect offers, we have learned that what we considered non-negotiable principles, sometimes, were, and having returned to the table, we discovered that the sacrifices made were both in Your and our neighbors' best interest.

"Show us how to be peacemakers. To Your glory. Amen."

Senator Royall, Deputy President *Pro Tempore*, announces the Journal of yesterday, June 29, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Perdue, who is serving as a pallbearer.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 726 (House Committee Substitute), an act concerning the Workers' Compensation Security Fund. (Ch. 802)

S.B. 1072, an act to set the Rural Electrification Authority regulatory fee for the 1992-93 fiscal year and to require the General Assembly to enact legislation setting the

fee in future fiscal years only if the fee is to be higher than the fee set for the 1992-93 fiscal year. (Ch. 803)

H.B. 217 (Senate Committee Substitute), an act to create a new offense of stalking. (Ch. 804)

H.B. 465, an act to limit the sales of malt beverages in the City of Columbia, Tyrrell County. (Ch. 805)

H.B. 1344, an act to modify the provisions governing expenditure of the Hyde County Occupancy Tax. (Ch. 806)

H.B. 1346 (Committee Substitute), an act to annex a described area to the Town of Elizabethtown, and conditionally forbid its annexation prior to the effective date of the legislative annexation. (Ch. 807)

H.B. 1417 (Committee Substitute), an act to extend the corporate limits of the Village of Pinehurst. (Ch. 808)

H.B. 1454 (Committee Substitute), an act to establish electoral districts for the merged Edgecombe County Board of Education. (Ch. 809)

H.B. 1548, an act to make a technical correction in the place of filing of notices for candidacy for school board in Cumberland County. (Ch. 810)

S.J.R. 1194, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions and to levy a fee for filing an appeal to the Property Tax Commission. (Res. 50)

S.J.R. 1209, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to remove the requirement that a person be a resident of the State in order to obtain a hunting and fishing guide license. (Res. 51)

S.J.R. 1258, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide for a maintenance of funds appropriated by the Board of County Commissioners to the local current expense fund of local school administrative units in fiscal year 1992-93 before merger becomes effective on July 1, 1993, if the merger did not require approval of the Board of County Commissioners. (Res. 52)

H.J.R. 1660, a joint resolution honoring the life and memory of Carson Gregory, former member of the General Assembly. (Res. 53)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Block for the **Pensions and Retirement Committee**:

H.B. 31 (Committee Substitute), a bill to permit injured firemen to receive disability payments under the North Carolina Local Governmental Employees' Retirement System after one year's service and to allow for disability benefit if death occurs prior to retirement, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

With unanimous consent, the Committee Substitute bill, as amended, is re-referred to the **Appropriations Committee**.

H.B. 1566, a bill to increase the benefits of the Henderson Firemen's Supplemental Retirement System, with a favorable report, as amended.

By Senator Tally for the **Environment and Natural Resources Committee**:

H.B. 1596 (Committee Substitute), a bill to expand the application of the North Carolina Environmental Policy Act of 1971 to include the use of public land and to clarify the purpose and review process for environmental documents, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 945
(Senate Committee Substitute)

House of Representatives
June 29, 1992

Mr. President:

It is ordered that a message be sent informing your Honorable Body that the House of Representatives has reconsidered the vote by which it failed to concur in the Senate Committee Substitute for HB 945 "A BILL TO BE ENTITLED AN ACT TO ADJUST FEES IN THE GENERAL COURT OF JUSTICE AND THE FACILITIES FEE, TO ALLOW THE PRORATING OF WATER FEES, AND TO ESTABLISH THE PERCENTAGE RATE FOR THE INSURANCE REGULATORY CHARGE AND THE PUBLIC UTILITY REGULATORY FEE". The House therefore rescinds it's request for conferees.

Respectfully,
S/Grace A. Collins
Principal Clerk

EXECUTIVE ORDERS

Executive Orders received (See Appendix) are presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 169, Criminal Record Checks of Applicants for Direct Care Positions Within the Department of Human Resources.
Referred to **State Personnel and State Government Committee**.

REPORTS TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (See Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to the North Carolina Trails System Act, the North Carolina Department of Environment, Health, and Natural Resources submits its Biennial Report of the North Carolina Trails System for Fiscal Years 1989-1990 and 1990-1991.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 1442, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business.

The Chair rules the bill requires a call of the roll.

On motion of Senator Sands, consideration of the bill is postponed until Thursday, July 2.

S.B. 1099 (Committee Substitute), a bill to establish electoral districts for the merged Edgecombe County Board of Education.

With unanimous consent, on motion of Senator Martin of Pitt, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Martin of Pitt, the Committee Substitute bill is recommitted to the **Education Committee**.

S.B. 1147 (Committee Substitute), a bill to provide a maximum penalty for the Dare room tax and meals tax and to make clarifying changes to the penalties, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Marvin, Murphy, Odom, Plyler, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—37.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 1367, a bill to authorize the Town of Yaupon Beach to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Marvin, Murphy, Odom, Plyler, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—37.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1378, a bill to authorize Washington County to levy a room occupancy and tourism development tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Marvin, Murphy, Odom, Plyler, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—37.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1382, a bill to allow the Town of Hillsborough to raise the tax on motor vehicles, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 1, as follows:

Voting in the affirmative: Senators Ballance, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Marvin, Murphy, Odom, Plyler, Richardson, Sands,

Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—36.

Voting in the negative: Senator Royall—1.

The bill is ordered enrolled.

H.B. 1466, a bill to authorize Hyde County to assess benefited property in advance of improvements to subdivision and residential streets, upon third reading.

Without objection, on motion of Senator Kaplan, the bill is temporarily displaced.

H.B. 1467, a bill to allow the Town of Caswell Beach to make special assessments for undergrounding of utilities, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Marvin, Murphy, Odom, Plyler, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—37.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1349, a bill to authorize the City of Kinston to impose a tax on motor vehicles of up to fifteen dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 2, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Plexico, Plyler, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—38.

Voting in the negative: Senators Bryan and Royall—2.

The bill is ordered placed on the Calendar for tomorrow, July 1, for further consideration upon third reading.

H.B. 1436, a bill to amend the charter of the City of Raleigh to allow for contracts with federal agencies to assist other governments.

On motion of Senator Sherron, consideration of the bill is postponed until Thursday, July 2.

S.B. 1040 (House Committee Substitute), a bill to modify the maximum tax limit for the Town of Badin and change the method of calculating limits on increases, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hunt, Hyde, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Winner—41.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, July 1, for further consideration upon third reading.

S.B. 1113 (Committee Substitute), a bill to authorize the construction and financing of a capital improvements project at North Carolina State University at Raleigh, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston,

Hartsell, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Warren, and Winner—43.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1229 (Committee Substitute No. 2), a bill to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina and providing for the distribution of the income from the sale of the plates, upon third reading.

Senator Cochrane offers Amendment No. 1 which is adopted (46-0).

Without objection, on motion of Senator Winner, the Committee Substitute bill No. 2, as amended, is temporarily displaced.

S.B. 1093 (Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, to amend the Constitution of North Carolina, and to make conforming statutory changes, upon second reading.

Without objection, on motion of Senator Basnight, the Committee Substitute bill is temporarily displaced.

S.B. 1003, a bill to provide that contractors' inventories will be entitled to the same property tax exemption as manufacturers', retailers', and wholesalers' inventories.

The bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

S.B. 1229 (Committee Substitute No. 2), a bill to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina and providing for the distribution of the income from the sale of the plates, as amended, upon third reading, temporarily displaced earlier.

Senator Winner offers Amendment No. 2 which is adopted (46-0).

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—48.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 1159 (Committee Substitute No. 2), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection or disposal of nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources, to establish a uniform maximum duration of such contracts, and to allow all local governments to enter into such contracts.

On motion of Senator Sands, consideration of the Committee Substitute bill No. 2 is postponed until Thursday, July 2.

S.B. 1216 (Committee Substitute), a bill to allow the State Board of Education to authorize the Charlotte-Mecklenburg Board of Education to use funds appropriated for teacher assistants for teachers under certain circumstances.

The Committee Substitute bill passes its second reading (32-15).

Senator Smith objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 1, for further consideration, upon third reading.

S.B. 1223 (Committee Substitute), a bill to allow the Division to issue restricted commercial driver licenses to seasonal drivers for certain farm-related service industries, and to clarify the laws governing the issuance of limited driving privileges, and to make amendments and technical corrections to the motor vehicles laws.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading (46-0).

Senator Sands objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 1, for further consideration, upon third reading.

H.B. 519 (Senate Committee Substitute), a bill requiring employers to reimburse employment agency fees under certain circumstances.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 978 (Senate Committee Substitute), a bill to protect forestry operations from nuisance suits under certain circumstances.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1561, a bill to clarify the development, delegation, and injunctive relief provisions of the Coastal Area Management Act.

The bill passes its second reading (42-1).

Senator Royall objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 1, for further consideration, upon third reading.

H.B. 1583, a bill to clarify the authority of the Department of Administration to adopt rules to implement the North Carolina Environmental Policy Act of 1971 and of State agencies to adopt rules establishing minimum criteria.

On motion of Senator Tally, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (28-16).

Senator Staton objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 1, for further consideration, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 945 (Senate Committee Substitute), an act to adjust fees in the General Court of Justice and the facilities fee, to allow the prorating of water fees, and to establish the percentage rate for the insurance regulatory charge and the public utility regulatory fee. (Ch. 811)

S.J.R. 1107 (Committee Substitute), a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to amend the definition of inventories in the Machinery Act to include certain computer software. (Res. 54)

CALENDAR (Continued)

H.B. 1593, a bill to clarify the authority of the Commission for Health Services to adopt rules limiting the number of service connections to a public water system based on the quantity of water available to the system.

The bill passes its second (43-0) and third readings and is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Murphy for the **Human Resources Committee**:

S.B. 1259, a bill to extend the grandfather clause application deadline to October 31, 1992, with a favorable report.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 1031 (House Committee Substitute), a bill to incorporate Woodlake Village in Moore County, subject to a referendum, for concurrence in the House Committee Substitute bill.

Referred to **Local Government and Regional Affairs Committee**.

H.B. 1546 (Committee Substitute), a bill to revise and consolidate the Charter of the Town of St. Pauls.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR (Continued)

H.B. 863, a bill to require that at least twenty-five percent of the proceeds from bingo games be used for charitable purposes, as amended, upon third reading.

Senator Kaplan offers Amendment No. 2 which is adopted (42-0).

On motion of Senator Sands, further consideration of the bill, as amended, is postponed until Thursday, July 2.

S.B. 997, a bill to make omnibus and technical changes to the savings institutions laws, for concurrence in House Amendment No. 1, upon second reading.

The Senate concurs in House Amendment No. 1 on its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Parnell, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Warren, and Winner—46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, July 1, for further consideration upon third reading.

S.B. 682 (House Committee Substitute), a bill to amend Statutes regulating house-moving, for concurrence in the House Committee Substitute bill.

With unanimous consent, Senator Johnson is excused from voting for the stated reason: "My law firm represents clients that have a direct interest in the bill as changed by the House."

The Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled.

S.B. 999 (House Committee Substitute), a bill to amend the Medicare Supplement Insurance Statutes as required by federal law, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled.

S.J.R. 1068 (House Committee Substitute), a joint resolution honoring the life and memory of Gifford Pinchot and commemorating the One Hundredth Anniversary of Forestry in North Carolina and in the United States, for concurrence in the House Committee Substitute joint resolution.

The Senate concurs in the House Committee Substitute joint resolution (45-0) and the measure is ordered enrolled.

S.B. 1169 (Committee Substitute), a bill to clarify certain deductibles applicable to the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund, to make current landowners who engage in cleanups eligible for reimbursement from the Commercial Fund, and to add two members to the Petroleum Underground Storage Tank Funds Council, for concurrence in House Amendment No. 1.

With unanimous consent, Senator Smith is excused from voting on the measure.

The Senate concurs in House Amendment No. 1 (44-0) and the measure is ordered enrolled.

H.B. 1466, a bill to authorize Hyde County to assess benefited property in advance of improvements to subdivision and residential streets, upon third reading, temporarily displaced earlier.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Murphy, Parnell, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Warren, and Winner—45.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 1223 (Committee Substitute), a bill to allow the Division to issue restricted commercial driver licenses to seasonal drivers for certain farm-related service industries, and to clarify the laws governing the issuance of limited driving privileges, and to make amendments and technical corrections to the motor vehicles laws, as amended, upon third reading, placed earlier today on the Calendar for tomorrow, July 1.

With unanimous consent, on motion of Senator Daughtry, the Senate reconsiders and the Committee Substitute bill is taken from the Calendar for tomorrow, July 1, and is placed on the Calendar for Thursday, July 2.

S.B. 1093 (Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, to amend the Constitution of North Carolina, and to make conforming statutory changes, upon second reading, temporarily displaced earlier.

On motion of Senator Daniel, consideration of the bill is postponed until tomorrow, July 1.

Without objection, on motion of Senator Royall, the Senate recesses at 3:25 P.M. to reconvene at 4:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

CALENDAR (Continued)

H.B. 863, a bill to require that at least twenty-five percent of the proceeds from bingo games be used for charitable purposes, as amended, upon third reading, placed earlier today on the Calendar for Thursday, July 2.

With unanimous consent, on motion of Senator Kaplan, the Senate reconsiders and the bill is taken from the Calendar for Thursday, July 2, and placed before the Senate for immediate consideration.

Senator Kaplan offers a motion that the vote by which Amendment No. 2 was adopted be reconsidered, which motion prevails, and the question becomes the adoption of Amendment No. 2.

With unanimous consent, Senator Kaplan withdraws Amendment No. 2.

On motion of Senator Kaplan, further consideration of the bill, as amended, is postponed until Thursday, July 2.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the joint resolutions are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Winner for the **Rules and Operation of the Senate Committee**:

S.J.R. 1257, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of the Honorable Joseph Branch, former Chief Justice of the North Carolina Supreme Court and State legislator, with a favorable report.

H.J.R. 1604, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution authorizing the Legislative Research Commission to study the State of prehospital emergency cardiac care in North Carolina, with a favorable report.

H.J.R. 1648, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that the Veterans' Affairs Commission shall issue rules for the awarding of the North Carolina Services Medal to veterans who have served in any war, with a favorable report.

H.J.R. 1653, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide for enforcement for parking violations on publicly owned parking lots in Fayetteville, with a favorable report.

H.J.R. 1654, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of James Forrest Penny, Jr., former member of the North Carolina House of Representatives, with a favorable report.

H.J.R. 1664, a joint resolution honoring the memory of General Benjamin Smith on the Bicentennial of the City of Southport, with a favorable report.

Without objection, on motion of Senator Kaplan, the Senate recesses at 4:10 P.M. to reconvene at 5:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

INTRODUCTION OF BILL

Senator Royall offers a motion that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Royall, Daniel, Goldston, and Hunt:

S.B. 1264, a bill to amend the definition of inventories in the Machinery Act to include certain computer software.

Referred to **Finance Committee**.

Without objection, on motion of Senator Barnes, the Senate recesses at 5:20 P.M. to reconvene at 7:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

H.B. 1245 (Committee Substitute), a bill to make modifications in the base budget and expansion budget appropriations for current operations of State departments, institutions, and agencies, for the 1992-93 fiscal year, to extend certain expiring budget provisions, and for other purposes.

On motion of Senator Barnes, without objection, the House Committee Substitute bill is placed before the Senate for immediate consideration.

The House Committee Substitute bill passes its second (32-0) and third readings and is ordered enrolled.

CALENDAR (Continued)

S.B. 1159 (Committee Substitute No. 2), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection or disposal of nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources, to establish a uniform maximum duration of such contracts, and to allow all local governments to enter into such contracts, placed earlier today on the Calendar for Thursday, July 2.

With unanimous consent, on motion of Senator Sands, the Senate reconsiders and the Committee Substitute bill No. 2 is taken from the Calendar for Thursday, July 2, and placed before the Senate for immediate consideration.

Senator Sands offers Amendment No. 1 which is adopted (34-0).

The Committee Substitute bill No. 2, as amended, passes its second (35-1) and third readings and is ordered engrossed and sent to the House of Representatives.

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 1245 (Committee Substitute), an act to make modifications in the base budget and expansion budget appropriations for current operations of State departments,

institutions, and agencies, for the 1992-93 fiscal year, to extend certain expiring budget provisions, and for other purposes. (Ch. 812)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

S.B. 1127, a bill to extend the exemption of Union County from certain statutory requirements in the construction of a County detention facility, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1127** (House Committee Substitute), a bill to extend the exemption of Union County and to exempt Burke County from certain statutory requirements in the construction of County detention facilities, which is placed on the Calendar for tomorrow, July 1.

On motion of Senator Barnes, seconded by Senator Murphy, the Senate adjourns at 8:00 P.M. to meet tomorrow, July 1, at 1:30 P.M.

ONE HUNDRED TWENTY-THIRD DAY

SENATE CHAMBER,
Wednesday, July 1, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, forgive us for approaching You with such timidity when we need real answers to tough problems. Too often, we come like a young child approaching a parent with the request to spend the night with a friend. We come defeated, with heads down, expecting a negative reply.

"Remind us of Abraham, who not only came boldly to Your throne, but also bartered with You for the well-being of the righteous people of his nephew's city.

"Let us all be brave then as we approach Your throne today regarding matters of this Legislature. There we will receive mercy and find grace and answers to help just when we need it most. We need Your help today! Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, June 30, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Daughtry, who is "out of the territory."

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 682 (House Committee Substitute), an act to amend Statutes regulating house-moving. (Ch. 813)

S.B. 972, an act to permit public transportation authorities and regional public transportation authorities to receive annual sales tax refunds. (Ch. 814)

S.B. 999 (House Committee Substitute), an act to amend the Medicare Supplement Insurance Statutes as required by federal law. (Ch. 815)

S.B. 1129 (Committee Substitute), an act to extend the North Carolina Sentencing and Policy Advisory Commission and to adjust its reporting dates and membership accordingly. (Ch. 816)

S.B. 1169 (Committee Substitute), an act to clarify certain deductibles applicable to the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund, to make current landowners who engage in cleanups eligible for reimbursement from the Commercial Fund, and to add two members to the Petroleum Underground Storage Tank Funds Council. (Ch. 817)

H.B. 515 (Committee Substitute), an act to impose a penalty of one hundred dollars for speeding in certain highway work zones. (Ch. 818)

H.B. 530 (Senate Committee Substitute), an act making various amendments to Chapter 85B and Chapter 20 of the General Statutes relating to auctions and auctioneers. (Ch. 819)

H.B. 1367, an act to authorize the Town of Yaupon Beach to levy a room occupancy and tourism development tax. (Ch. 820)

H.B. 1378, an act to authorize Washington County to levy a room occupancy and tourism development tax. (Ch. 821)

H.B. 1382, an act to allow the Town of Hillsborough to raise the tax on motor vehicles. (Ch. 822)

H.B. 1440, an act to provide that future elections for the Office of Mayor of Burgaw shall be for four-year terms. (Ch. 823)

H.B. 1466, an act to authorize Hyde County to assess benefited property in advance of improvements to subdivision and residential streets. (Ch. 824)

H.B. 1467, an act to allow the Town of Caswell Beach to make special assessments for undergrounding of utilities. (Ch. 825)

H.B. 1593, an act to clarify the authority of the Commission for Health Services to adopt rules limiting the number of service connections to a public water system based on the quantity of water available to the system. (Ch. 826)

S.J.R. 1068 (House Committee Substitute), a joint resolution honoring the life and memory of Gifford Pinchot and commemorating the One Hundredth Anniversary of Forestry in North Carolina and in the United States. (Res. 55)

S.J.R. 1243, a joint resolution authorizing the 1991 General Assembly, Regular Session 1992, to consider a bill to be entitled an act to clarify the exclusion of nonpublic schools from the day care law. (Res. 56)

S.J.R. 1254, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists. (Res. 57)

EXECUTIVE ORDER

An Executive Order received (See Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 170, Amendment to Executive Orders Number 151, Governor's Advisory Commission on Military Affairs and Number 163, Amendment to Executive Order Number 151.

Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee.**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Agriculture, Marine Resources, and Wildlife Committee:**

H.B. 1520, a bill to prohibit hunting from the right-of-way of certain roads in Craven County, with a favorable report.

H.B. 1577, a bill to prohibit hunting from public roads in Mitchell County, with a favorable report.

By Senator Conder for the **Education Committee:**

H.B. 47 (Committee Substitute), a bill supporting the efforts of teachers to control their classes and requiring parents to assist in disciplining their children at school, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Conder, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 47** (Senate Committee Substitute), a bill to create safer schools by supporting the efforts of teachers to control their classes and requiring parents to assist in disciplining their children at school; and by making it unlawful for a parent to allow a minor child to possess a firearm on school property, for a person to keep a firearm where a minor may obtain it and carry it on school property, and for a person to dispose of a firearm to a minor, is placed before the Senate for immediate consideration.

On motion of Senator Conder, the Senate Committee Substitute bill is adopted, and on his further motion is re-referred to the **Judiciary II Committee.**

H.B. 1361, a bill to create an educational leadership task force to identify how to best select, train, evaluate, assess, and regulate the State's educational leaders, with a favorable report.

H.B. 1521, a bill to change the name of the New Bern-Craven County Schools to the Craven County Schools, with a favorable report.

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education and to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, with a favorable report.

By Senator Daniel for the **Finance Committee:**

S.B. 185 (House Committee Substitute), a bill concerning the taxation of corporations that attribute part of their income from the sale of certain export property to a foreign sales corporation, with a favorable report as to concurrence.

S.B. 1264, a bill to amend the definition of inventories in the Machinery Act to include certain computer software, with a favorable report.

H.B. 1324 (Committee Substitute), a bill to clarify the statutes governing income tax returns and tax filing extensions and to authorize the Secretary of Revenue to allow paperless tax filing extensions and electronic filing of income tax returns, with a favorable report.

H.B. 1350, a bill to make technical and administrative changes relating to property taxes on motor vehicles, with a favorable report.

On motion of Senator Daniel, the bill is placed on the Calendar for Tuesday, July 7, for further consideration.

H.B. 1406, a bill to divide the Flatwoods Fire District in Harnett County into two fire districts—the Flatwoods Rural Fire District and the Bunnlevel Rural Fire Insurance District, with a favorable report.

H.B. 1504, a bill to authorize Pitt County to create rescue/emergency medical services protection districts, with a favorable report.

H.B. 1573, a bill to incorporate the Town of Boardman in Columbus County, subject to a referendum, with a favorable report.

H.B. 1320 (Committee Substitute), a bill to clarify that the scrap tire disposal tax does not apply to new tires placed on newly manufactured vehicles, with a favorable report, as amended.

H.B. 1446 (Committee Substitute), a bill to allow cities and counties to use property taxes to support public transportation without calling a referendum, with a favorable report, as amended.

H.B. 810 (Senate Committee Substitute), a bill to annex specified property in the Town of Carthage in Moore County, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Daniel, the rules are suspended and the Senate Committee Substitute bill No. 2 which changes the title, upon concurrence, to read **H.B. 810** (Senate Committee Substitute No. 2), a bill to permit the Town of Catawba to annex areas lying within the corporate boundaries of that Town, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Senate Committee Substitute bill No. 2 is adopted.

With unanimous consent, the Senate Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, July 2, for further consideration.

H.B. 1321 (Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 2, for further consideration.

By Senator Raynor for the **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee:**

S.B. 1073 (House Committee Substitute), a bill to allow counties to require prisoners to work on projects to benefit units of State or local government, with a favorable report as to concurrence.

S.B. 1160, a bill to authorize Alamance County to place nonviolent misdemeanants incarcerated in the Alamance County Jail to work on public works without the direct supervision of the sheriff, with a favorable report.

By Senator Lee for the **Local Government and Regional Affairs Committee:**

H.B. 1485, a bill relating to the furnishing of bonds of officials of Currituck County, with a favorable report.

H.B. 1499 (Committee Substitute), a bill authorizing the appointment of a special Board of Equalization and Review for Durham County, with a favorable report.

H.B. 1522, a bill to provide the council-manager form of government in the Town of Cornelius, with a favorable report.

H.B. 1527 (Committee Substitute), a bill to annex certain territory into the corporate limits of the Town of Farmville, with a favorable report.

On motion of Senator Lee, the Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 1531, a bill to authorize the Bladen County Board of Education to convey certain real property to the Bladenboro Historical Society, with a favorable report.

H.B. 1546 (Committee Substitute), a bill to revise and consolidate the Charter of the Town of St. Pauls, with a favorable report.

H.B. 1569, a bill to authorize Boards of Education in Richmond County to convey property to the County in connection with improvements and repair of the property, with a favorable report.

H.B. 1579, a bill to modify the Raleigh Civil Service Act concerning political activity, so that general law will apply, with a favorable report.

H.B. 1567, a bill to exempt Surry County from certain statutory requirements in the construction of an animal shelter facility, with a favorable report, as amended.

S.B. 1031 (House Committee Substitute), a bill to incorporate Woodlake Village in Moore County, subject to a referendum, with a favorable report as to concurrence.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Carpenter:

S.B. 1261, a bill to remove the requirement that a person be a resident of the State in order to obtain a hunting and fishing guide license.

Referred to **Agriculture, Marine Resources, and Wildlife Committee.**

By Senator Daniel:

S.B. 1262, a bill to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions and to levy a fee for filing an appeal to the Property Tax Commission.

Referred to **Finance Committee.**

By Senator Allran:

S.R. 1263, a Senate simple resolution honoring the founders of Catawba County on its Sesquicentennial Celebration.

On motion of Senator Allran, the Senate simple resolution is placed before the Senate for immediate consideration.

On motion of Senator Allran, the Senate simple resolution is adopted (41-0). (The text of this resolution appears in the Appendix.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

H.B. 1656, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.
Referred to **Judiciary I Committee.**

H.J.R. 1669, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the City of Jacksonville on being named an All America City.
Referred to **Rules and Operation of the Senate Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 1349, a bill to authorize the City of Kinston to impose a tax on motor vehicles of up to fifteen dollars, upon third reading.
The bill passes its third reading by roll-call vote, ayes 44, noes 1, as follows:
Voting in the affirmative: Senators Allran, Ballance, Barnes, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Daniel, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—44.
Voting in the negative: Senator Royall—1.
The bill is ordered enrolled.

S.B. 1093 (Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, to amend the Constitution of North Carolina, and to make conforming statutory changes.
With unanimous consent, on motion of Senator Daniel, the Committee Substitute bill is taken up out of its regular order of business.
On motion of Senator Daniel, consideration of the Committee Substitute bill is postponed until tomorrow, July 2.

H.B. 1596 (Committee Substitute), a bill to expand the application of the North Carolina Environmental Policy Act of 1971 to include the use of public land and to clarify the purpose and review process for environmental documents.
With unanimous consent, on motion of Senator Staton, the Committee Substitute bill is taken up out of its regular order of business.
Without objection, on motion of Senator Staton, the Committee Substitute bill is placed on the Calendar for today after **H.B. 1583**, a bill to clarify the authority of the Department of Administration to adopt rules to implement the North Carolina Environmental Policy Act of 1971 and of State agencies to adopt rules establishing minimum criteria.

H.B. 172 (Senate Committee Substitute), a bill to resume electing the Tax Collector of Mitchell County.
Pursuant to Rule 42, on motion of Senator Daniel, the Senate Committee Substitute bill is re-referred to the **Finance Committee.**

H.B. 1566, a bill to increase the benefits of the Henderson Firemen's Supplemental Retirement System.
On motion of Senator Block, Committee Amendment No. 1 is adopted.
The bill , as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

S.B. 1040 (House Committee Substitute), a bill to modify the maximum tax limit for the Town of Badin and change the method of calculating limits on increases, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Hartsell, Hyde, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Winner—43.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1127 (House Committee Substitute), a bill to extend the exemption of Union County and to exempt Burke County from certain statutory requirements in the construction of County detention facilities, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled.

S.J.R. 1257, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of the Honorable Joseph Branch, former Chief Justice of the North Carolina Supreme Court and State legislator.

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

COURTESIES OF THE FLOOR

The Chair recognizes Senator Tally who offers a motion the rules be suspended to grant courtesies of the floor to Heidi Sue Williams, Miss North Carolina, which motion prevails. The Chair appoints Senator Tally, Senator Barnes, and Senator Kincaid to escort Miss Williams to the Well of the Senate. Senator Barnes introduces Heidi Sue Williams, Miss North Carolina, and she briefly addresses the members of the Senate. The appointed Senators escort Miss Williams from the Chamber.

The Chair recognizes Senator Marvin who offers a motion the rules be suspended to grant courtesies of the floor to Dixie Abernathy, North Carolina Teacher of the Year, which motion prevails. The Chair appoints Senator Marvin, Senator Forrester, and Senator Barnes to escort the honored guest to the Well of the Senate, where she briefly addresses the membership. The appointed Senators escort Ms. Abernathy from the Chamber.

CALENDAR (Continued)

S.B. 1259, a bill to extend the grandfather clause application deadline to October 31, 1992.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

COMMITTEE OF THE WHOLE

With unanimous consent, on motion of Senator Barnes, President *Pro Tempore*, seconded by Senator Marvin, the Senate resolves into a Committee of the Whole Senate

for the purpose of receiving a progress report on the Conference Committee on **H.B. 1340** (Senate Committee Substitute), a bill to modify the Appropriations and Budget Revenue Act of 1991, as amended, and to make other changes in the budget operation of the State.

The President of the Senate relinquishes the gavel to the President *Pro Tempore*.

The Senate rises from the Committee of the Whole and the President of the Senate, the Honorable James C. Gardner, Lieutenant Governor, assumes the gavel.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

H.J.R. 1671, a joint resolution honoring the life and memory of Algernon Augustus Zollicoffer, Jr., distinguished citizen of North Carolina and former State Representative.

On motion of Senator Royall, without objection, the joint resolution is placed before the Senate for immediate consideration.

The Chair directs the Reading Clerk to read the joint resolution in its entirety.

The joint resolution passes its second reading (44-0) and third reading with members standing, and is ordered enrolled.

The Chair extends courtesies of the gallery to members of the family of Augustus Zollicoffer Jr., former member of the House of Representatives; Jane Zollicoffer, his widow; Ellen Zollicoffer, his daughter; Julia Royall, Kenneth Royall III, Jere Royall, Julia Bryan Royall, Penny Royall, Mary Barnett, and Melville Broughton, his cousins.

CALENDAR (Continued)

H.J.R. 1604, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution authorizing the Legislative Research Commission to study the State of prehospital emergency cardiac care in North Carolina.

The joint resolution passes its second (40-1) and third readings and is ordered enrolled.

H.J.R. 1648, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that the Veterans' Affairs Commission shall issue rules for the awarding of the North Carolina Services Medal to veterans who have served in any war.

The joint resolution passes its second (40-1) and third readings and is ordered enrolled.

H.J.R. 1653, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide for enforcement for parking violations on publicly owned parking lots in Fayetteville.

The joint resolution passes its second (40-1) and third readings and is ordered enrolled.

H.J.R. 1654, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of James Forrest Penny, Jr., former member of the North Carolina House of Representatives.

The joint resolution passes its second (40-1) and third readings and is ordered enrolled.

H.J.R. 1664, a joint resolution honoring the memory of General Benjamin Smith on the Bicentennial of the City of Southport.

The joint resolution passes its second (43-0) and third readings and is ordered enrolled.

S.B. 1216 (Committee Substitute), a bill to allow the State Board of Education to authorize the Charlotte-Mecklenburg Board of Education to use funds appropriated for teacher assistants for teachers under certain circumstances, upon third reading.

The Committee Substitute bill passes its third reading (31-10) and is ordered without objection on motion of Senator Odom, sent to the House of Representatives by special messenger.

H.B. 1334, a bill to amend the title and scope of the Agriculture, Forestry, and Seafood Awareness Study Commission by deleting Seafood from the Commission's title and area of study, upon third reading.

The bill passes its third reading (42-0) and is ordered enrolled.

H.B. 1561, a bill to clarify the development, delegation, and injunctive relief provisions of the Coastal Area Management Act, upon third reading.

The bill passes its third reading (43-0) and is ordered enrolled.

H.B. 1583, a bill to clarify the authority of the Department of Administration to adopt rules to implement the North Carolina Environmental Policy Act of 1971 and of State agencies to adopt rules establishing minimum criteria, as amended, upon third reading.

The bill passes its third reading (43-0) and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 1596 (Committee Substitute), a bill to expand the application of the North Carolina Environmental Policy Act of 1971 to include the use of public land and to clarify the purpose and review process for environmental documents.

Senator Staton offers Amendment No. 1 which is adopted (45-0).

Senator Bryan offers Amendment No. 2 which he subsequently withdraws.

The Committee Substitute bill, as amended, passes its second reading (46-1).

Senator Staton objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 2, for further consideration, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1040 (House Committee Substitute), a bill to modify the maximum tax limit for the Town of Badin and change the method of calculating limits on increases. (Ch. 827)

S.B. 1127 (House Committee Substitute), a bill to extend the exemption of Union County and to exempt Burke County from certain statutory requirements in the construction of County detention facilities. (Ch. 828)

CALENDAR (Continued)

S.B. 997, a bill to make omnibus and technical changes to the savings institutions laws, for concurrence in House Amendment No. 1, upon third reading.

The Senate concurs in House Amendment No. 1 on its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Forrester, Goldston, Hartsell, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The Chair orders the bill enrolled.

REPORT OF COMMITTEES

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Lee for the **Local Government and Regional Affairs Committee**:

H.B. 1550, a bill to authorize Rockingham County to establish noise districts and to regulate noise within those districts, with a favorable report.

On motion of Senator Barnes, seconded by Senator Carpenter, the Senate adjourns at 3:50 P.M. to meet tomorrow, July 2, at 1:30 P.M.

ONE HUNDRED TWENTY-FOURTH DAY

SENATE CHAMBER,
Thursday, July 2, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Grace and God of Glory, the task of ratifying a calendar full of legislative bills on this day seems a very long way away from a quiet walk at sunrise on the beach or viewing a colorful sunset beyond the Smokies.

"What is going on here seems to have so little to do with upcoming events like Independence Day parades, watched by adults and children in North Carolina's cities, towns and communities or a 4th of July picnic and watermelon cutting by a local congregation under a shady water oak tree.

"But, what goes on in the General Assembly today, oh God, is very much a part of that living mural painted by the people of this State. Especially during this time when we celebrate our Independence, remind Your servants that what they do sets the framework and parameters of that mural, guaranteeing continued rights, justice and freedom for the people of our State.

"Guide them safely home to participate in those local scenes with a sense of accomplishment in their roles. For freedom You have set us free. God bless our country, our State, and our people. Amen."

Senator Royall, Deputy President *Pro Tempore*, announces the Journal of yesterday, July 1, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, on motion of Senator Barnes, all bills and resolutions ordered sent to the House of Representatives through adjournment *sine die* are ordered sent by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 997, an act to make omnibus and technical changes to the savings institutions laws. (Ch. 829)

S.B. 1048, an act to rewrite the law regarding the Charlotte Firefighters' Retirement System. (Ch. 830)

S.B. 1078, an act to abolish the Office of City Treasurer of the City of Monroe. (Ch. 831)

S.B. 1126, an act to allow Franklin County to acquire property for use by the County Boards of Education. (Ch. 832)

S.B. 1142, an act to transfer the North Carolina Firemen's and Rescue Squad Workers' Pension Fund from the Department of State Auditor to the Department of State Treasurer, and to make the State Treasurer the chairman of the Board of Trustees of the Pension Fund. (Ch. 833)

S.B. 1146, an act to provide an election procedure for midterm vacancies in Tabor City. (Ch. 834)

S.B. 1152, an act to change the pay date for certain employees of the Pitt County Schools. (Ch. 835)

S.B. 1202, an act to clarify the public enterprise law with respect to the adoption and enforcement of utility system ordinances. (Ch. 836)

H.B. 846 (Senate Committee Substitute), an act to amend and make technical corrections to various insurance laws and to clarify the uninsured and underinsured motorists law. (Ch. 837)

H.B. 1349, an act to authorize the City of Kinston to impose a tax on motor vehicles of up to fifteen dollars. (Ch. 838)

H.B. 1561, an act to clarify the development, delegation, and injunctive relief provisions of the Coastal Area Management Act. (Ch. 839)

S.J.R. 1249, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to amend the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association. (Res. 58)

H.J.R. 1604, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution authorizing the Legislative Research Commission to study the State of prehospital emergency cardiac care in North Carolina. (Res. 59)

H.J.R. 1648, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that the Veterans' Affairs Commission shall issue rules for the awarding of the North Carolina Services Medal to veterans who have served in any war. (Res. 60)

H.J.R. 1653, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide for enforcement for parking violations on publicly owned parking lots in Fayetteville. (Res. 61)

H.J.R. 1654, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of James Forrest Penny, Jr., former member of the North Carolina House of Representatives. (Res. 62)

H.J.R. 1664, a joint resolution honoring the memory of General Benjamin Smith on the Bicentennial of the City of Southport. (Res. 63)

H.J.R. 1671, a joint resolution honoring the life and memory of Algernon Augustus Zollicoffer, Jr., distinguished citizen of North Carolina and former State Representative. (Res. 64)

REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary I Committee**:

H.B. 1335 (Committee Substitute), a bill to limit the liability of farmers who allow gleaning, with a favorable report.

H.B. 1661, a bill to validate the registration of instruments signed in the name of the register of deeds by the register's assistant or deputy and initialed by the assistant or deputy, with a favorable report.

S.B. 740 (House Committee Substitute), a bill relating to runners for health care providers, with a favorable report as to concurrence.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Daniel:
S.B. 1265, a bill to clarify the exclusion of nonpublic schools from the day care law.
Referred to **Education Committee**.

By Senator Johnson:
S.B. 1266, a bill to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists.
Referred to **Finance Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 145 (Committee Substitute), a bill to require a county to transfer the scrap tire fees received by the county to any unit of local government that operates the scrap tire disposal site, when a county designates a unit of local government other than that county to provide a site for the disposal of scrap tires, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 145** (House Committee Substitute No. 2), a bill to change the requirement that twenty-five percent of plastic bags be recycled to a goal, to extend the date on which twenty-five percent of certain polystyrene foam products must be recycled, to authorize counties to include fees for subsurface discharge wastewater management systems and services on property tax bills, and to allow regional solid waste management authorities to manage nonhazardous sludges on the same basis as individual units of local government.
Referred to **Environment and Natural Resources Committee**

S.B. 1033 (Committee Substitute), a bill requiring traffic signs and other traffic control devices placed on a municipal street system street to conform to the appearance

criteria of the manual on uniform traffic control devices, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, July 6.

S.B. 1125 (Committee Substitute), a bill to provide that Franklin County is authorized to construct gas lines, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 1125** (Committee Substitute), a bill to provide that Franklin and Northampton Counties are authorized to construct gas lines, which is placed on the Calendar for Monday, July 6.

S.B. 1150 (House Committee Substitute), a bill to allow Union County to create Fire Protection Districts in which fire protection is funded by fees rather than taxes, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, July 6.

H.B. 1498, a bill relating to investments of the City of Winston-Salem.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 1585 (Committee Substitute), a bill to annex a noncontiguous area to the City of Brevard, and to correct an annexation of the Town of Long View.
Referred to **Local Government and Regional Affairs Committee** and upon a favorable report, re-referred to **Finance Committee.**

H.B. 1587, a bill to authorize Transylvania County to regulate roads within unified developments.
Referred to **Local Government and Regional Affairs Committee.**

H.B. 1662, a bill to allow certain advertising signs along the right-of-way of State highways.
Referred to **Transportation Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 1406, a bill to divide the Flatwoods Fire District in Harnett County into two fire districts—the Flatwoods Rural Fire District and the Bunnlevel Rural Fire Insurance District, upon second reading.
The bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:
Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Pollard, Royall, Sands, Seymour, Simpson, Smith, Soles, Staton, Tally, Walker, Ward, Warren, and Winner—36.
Voting in the negative: None.
The bill is ordered placed on the Calendar for Monday, July 6, for further consideration upon third reading.

H.B. 1442, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County, upon second reading.
The bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:
Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Pollard, Royall, Sands, Seymour, Simpson, Smith, Soles, Staton, Tally, Walker, Ward, Warren, and Winner—36.
Voting in the negative: None.
Without objection, on motion of Senator Sands, the bill is ordered placed on the Calendar for Thursday, July 9, for further consideration upon third reading.

H.B. 1499 (Committee Substitute), a bill authorizing the appointment of a special Board of Equalization and Review for Durham County, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Pollard, Royall, Sands, Seymour, Simpson, Smith, Soles, Staton, Tally, Walker, Ward, Warren, and Winner—36.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, July 6, for further consideration upon third reading.

H.B. 1504, a bill to authorize Pitt County to create rescue/emergency medical services protection districts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 36, noes 0 as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Pollard, Royall, Sands, Seymour, Simpson, Smith, Soles, Staton, Tally, Walker, Ward, Warren, and Winner—36.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 6, for further consideration upon third reading.

H.B. 1546 (Committee Substitute), a bill to revise and consolidate the Charter of the Town of St. Pauls, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Pollard, Royall, Sands, Seymour, Simpson, Smith, Soles, Staton, Tally, Walker, Ward, Warren, and Winner—36.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, July 6, for further consideration upon third reading.

H.B. 1573, a bill to incorporate the Town of Boardman in Columbus County, subject to a referendum, upon second reading.

The bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Block, Bryan, Carpenter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Pollard, Royall, Sands, Seymour, Simpson, Smith, Soles, Staton, Tally, Walker, Ward, Warren, and Winner—36.

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, July 6, for further consideration upon third reading.

H.B. 1569, a bill to authorize Boards of Education in Richmond County to convey property to the County in connection with improvements and repair of the property.

With unanimous consent, on motion of Senator Murphy, the bill is taken up out of its regular order of business and subsequently temporarily displaced.

H.B. 1550, a bill to authorize Rockingham County to establish noise districts and to regulate noise within those districts.

With unanimous consent, on motion of Senator Sands, the bill is taken up out of its regular order of business and subsequently temporarily displaced.

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education and to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property.

With unanimous consent, on motion of Senator Bryan, the bill is taken up out of its regular order of business and subsequently temporarily displaced.

H.B. 1567, a bill to exempt Surry County from certain statutory requirements in the construction of an animal shelter facility.

With unanimous consent, the Chair orders the bill be taken up out of its regular order of business and subsequently temporarily displaces the bill.

S.B. 1160, a bill to authorize Alamance County to place nonviolent misdemeanants incarcerated in the Alamance County Jail to work on public works without the direct supervision of the sheriff.

On motion of Senator Daniel, consideration of the bill is postponed until Monday, July 6.

H.B. 810 (Senate Committee Substitute No. 2), a bill to permit the Town of Catawba to annex areas lying within the corporate boundaries of that Town.

The Senate Committee Substitute bill No. 2 passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2 by special messenger.

H.B. 1436, a bill to amend the charter of the City of Raleigh to allow for contracts with federal agencies to assist other governments.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1485, a bill relating to the furnishing of bonds of officials of Currituck County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1520, a bill to prohibit hunting from the right-of-way of certain roads in Craven County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1521, a bill to change the name of the New Bern-Craven County Schools to the Craven County Schools.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1522, a bill to provide the council-manager form of government in the Town of Cornelius.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1531, a bill to authorize the Bladen County Board of Education to convey certain real property to the Bladenboro Historical Society.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1577, a bill to prohibit hunting from public roads in Mitchell County.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1579, a bill to modify the Raleigh Civil Service Act concerning political activity, so that general law will apply.

The bill passes its second and third readings and is ordered enrolled.

RE-REFERRAL

H.B. 1386, a bill to permit the Commissioner of Labor to impose penalties against public agencies for OSHA violations, referred to the **Appropriations Committee** on June 29, 1992.

Senator Basnight offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and re-referred to the **Judiciary II Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

CALENDAR (Continued)

S.B. 1093 (Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, to amend the Constitution of North Carolina, and to make conforming statutory changes, upon second reading.

On motion of Senator Basnight, consideration of the Committee Substitute bill is postponed until Tuesday, July 7.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Basnight for the **Appropriations Committee**:

H.B. 1389, a bill to require State construction site safety study and the designation of safety officers on State construction sites and to require minority and women representation on the State Building Commission, with a favorable report.

H.B. 1512, a bill to provide for a uniform mandatory retirement age of seventy-two for all judges and justices of the General Court of Justice, with a favorable report.

H.B. 1545 (Senate Committee Substitute), a bill to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface, with a favorable report.

H.B. 1390, a bill to establish a workplace requirements program for the safety and health of all State employees, with a favorable report, as amended.

S.B. 1105, a bill to decrease State expenditures for safekeepers by clarifying the law regarding the medical costs of safekeepers and by changing the law regarding the transfer of safekeepers to the Department of Correction, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Marvin, the Committee Substitute bill remains before the Senate for further consideration upon its passage.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 725, a bill to change the eligibility for grants under the Volunteer Rescue/EMS Fund, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 725** (Senate Committee Substitute), a bill to change the eligibility requirements for grants under the Volunteer Rescue/EMS Fund, to make one-time grants from this Fund to all volunteer rescue/EMS units, to adjust the amount of revenue in this Fund and in the Rescue Squad Workers' Relief Fund, and to increase the percentage of the Relief Fund that can be used for administrative expenses, is placed before the Senate for immediate consideration.

On motion of Senator Basnight, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 6, for further consideration.

RE-REFERRAL

H.B. 1547 (Committee Substitute), a bill to codify the common-law rights in North Carolina to public use of ocean and estuarine beaches and to authorize legal actions to protect those rights, referred to **Rules and Operation of the Senate Committee**, on June 23.

Senator Winner offers a motion the rules be suspended and the Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the Committee Substitute bill re-referred to the **Appropriations Committee**.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Block for the **Pensions and Retirement Committee**:

S.B. 1085, a bill to require any local government participating in the Local Governmental Employees' Retirement System and any employer in the Teachers' and State Employees' Retirement System to fund the pension costs associated with a retirement incentive program, with a favorable report, as amended.

S.B. 26, a bill to modify the Statutes governing fire relief funds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Block, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **State Personnel and State Government Committee**.

CALENDAR (Continued)

S.B. 1105 (Committee Substitute), a bill to decrease State expenditures for safekeepers by clarifying the law regarding the medical costs of safekeepers and by changing the law regarding the transfer of safekeepers to the Department of Correction, temporarily displaced earlier.

The Committee Substitute bill passes its second (38-6) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 1567, a bill to exempt Surry County from certain statutory requirements in the construction of an animal shelter facility, temporarily displaced earlier.

On motion of Senator Lee, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (41-0) and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

S.B. 1031 (House Committee Substitute), a bill to incorporate Woodlake Village in Moore County, subject to a referendum, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Pollard, Raynor, Royall, Sands, Seymour, Simpson, Smith, Soles, Staton, Tally, Walker, Ward, Warren, and Winner—42.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Monday, July 6, for further consideration upon third reading.

H.B. 1446 (Committee Substitute), a bill to allow cities and counties to use property taxes to support public transportation without calling a referendum, upon second reading.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Sands, Seymour, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, July 6, for further consideration upon third reading.

S.B. 1264, a bill to amend the definition of inventories in the Machinery Act to include certain computer software.

Senator Goldston offers Amendment No. 1 which is adopted (43-0).

The bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

H.B. 1320 (Committee Substitute), a bill to clarify that the scrap tire disposal tax does not apply to new tires placed on newly manufactured vehicles.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 1321 (Senate Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes.

The Chair rules the Senate Committee Substitute bill requires a call of the roll.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry,

Forrester, Hartsell, Hunt, Hyde, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—47.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for Monday, July 6, for further consideration upon third reading.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Judiciary II Committee:**

H.B. 1392 (Committee Substitute), a bill to require employers to report at least annually on fatalities and serious injuries in the workplace, to require the reporting of certain safety data to the Commissioner of Labor by various agencies, and to ensure, where appropriate, the confidentiality of data released to the Commissioner, with a favorable report, as amended.

H.B. 1393, a bill to clarify the enforcement of the building code by a municipality in its extraterritorial jurisdiction and to provide for appointments to the Building Code Council, with a favorable report, as amended.

CALENDAR (Continued)

H.B. 863, a bill to require that at least twenty-five percent of the proceeds from bingo games be used for charitable purposes, as amended, upon third reading.

With unanimous consent, on motion of Senator Ballance, the bill, as amended, is taken up out of its regular order of business.

On motion of Senator Ballance, further consideration of the bill, as amended, is postponed until Tuesday, July 7.

H.B. 1324 (Committee Substitute), a bill to clarify the statutes governing income tax returns and tax filing extensions and to authorize the Secretary of Revenue to allow paperless tax filing extensions and electronic filing of income tax returns.

On motion of Senator Daniel, consideration of the Committee Substitute bill is postponed until Tuesday, July 7.

H.B. 1361, a bill to create an educational leadership task force to identify how to best select, train, evaluate, assess, and regulate the State's educational leaders.

The Chair orders, without objection, the bill temporarily displaced.

S.B. 1223 (Committee Substitute), a bill to allow the Division to issue restricted commercial driver licenses to seasonal drivers for certain farm-related service industries, and to clarify the laws governing the issuance of limited driving privileges, and to make amendments and technical corrections to the motor vehicles laws, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (46-0) and, without objection, is ordered engrossed and sent to the House of Representatives by special messenger.

H.B. 1596 (Committee Substitute), a bill to expand the application of the North Carolina Environmental Policy Act of 1971 to include the use of public land and to clarify

the purpose and review process for environmental documents, as amended, upon third reading.

On motion of Senator Staton, further consideration of the Committee Substitute bill, as amended, is postponed until Monday, July 6.

RECALL FROM ENROLLING OFFICE

H.B. 1334, a bill to amend the title and scope of the Agriculture, Forestry, and Seafood Awareness Study Commission by deleting Seafood from the Commission's title and area of study, ordered enrolled yesterday, July 1.

Senator Speed offers a motion the bill be recalled from the Enrolling Office for further consideration.

The Enrolling Clerk returns the measure to the Senate and Senator Speed offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails, and the question becomes passage of the measure upon third reading.

Senator Speed offers a motion that the bill be postponed indefinitely, which motion prevails.

The bill lies upon the table.

CALENDAR (Continued)

S.B. 185 (House Committee Substitute), a bill concerning the taxation of corporations that attribute part of their income from the sale of certain export property to a foreign sales corporation, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—45.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Monday, July 6, for further consideration upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 531 (House Committee Substitute), a bill to provide that the Eastern Band of Cherokee Indians shall be eligible to: (1) be a member of a regional solid waste management authority, and (2) apply for financing a project with a loan from the North Carolina Solid Waste Management Capital Projects Financing Authority.

The motion of Senator Plexico, prevailing on June 29, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Plexico (Chairman), Tally, and Carpenter as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (Continued)

S.B. 1073 (House Committee Substitute), a bill to allow counties to require prisoners to work on projects to benefit units of State or local government, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled.

H.B. 1361, a bill to create an educational leadership task force to identify how to best select, train, evaluate, assess, and regulate the State's educational leaders, temporarily displaced earlier.

Senator Warren offers Amendment No. 1 which is adopted (49-0).

The bill, as amended, passes its second (41-6) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill which is read the first time and disposed of, as follows:

S.B. 719 (House Committee Substitute), a bill to decrease the project cost minimum for applicability of contractors licensure requirements, to clarify exemption provisions, and to require evidence of insurance coverage to be demonstrated, for concurrence in the House Committee Substitute bill.

On motion of Senator Sherron, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled.

CALENDAR (Continued)

H.B. 1550, a bill to authorize Rockingham County to establish noise districts and to regulate noise within those districts, temporarily displaced earlier.

Senator Sands offers Amendment No. 1 which is adopted (46-0), changing the title, upon concurrence, to read **H.B. 1550**, a bill to authorize Rockingham County to establish noise districts and to regulate noise within those districts and to modify G.S. 160A-443(5a) with respect to the City of Reidsville.

On motion of Senator Sands, further consideration of the bill, as amended, is postponed until Tuesday, July 7.

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education and to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, temporarily displaced earlier.

Senator Bryan offers Amendment No. 1 which is adopted (45-0), changing the title, upon concurrence, to read **H.B. 1557**, a bill to allow Iredell County to acquire property for use by the County Boards of Education, to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, and to clarify the law relating to school administrative units in Iredell County.

The Chair rules the bill, as amended, requires a call of the roll.

Amendment No. 1 is consequently held to be material, constituting the first reading of the measure and the Chair orders the bill, as amended, placed on the Calendar for Monday, July 6, for further consideration upon second reading.

H.B. 1569, a bill to authorize Boards of Education in Richmond County to convey property to the County in connection with improvements and repair of the property, temporarily displaced earlier.

On motion of Senator Murphy, consideration of the bill is postponed until Tuesday, July 7.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 192

House of Representatives
July 2, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the 2 Senate amendments to HB. No. 192

A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE JUVENILE LAW STUDY COMMISSION TO ALLOW TERMINATION OF PARENTAL RIGHTS AFTER A PARENT HAS LEFT A CHILD IN FOSTER CARE FOR TWELVE MONTHS WITHOUT MAKING REASONABLE PROGRESS TOWARDS CORRECTING THE CONDITIONS THAT LED TO FOSTER CARE and requests conferees. The Speaker has appointed Representatives Jones, Hensley, R. Hunter and Colton on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Sands (Chairman), Marvin, Allran, Martin of Guilford, and Winner as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 519
(Senate Committee Substitute)

House of Representatives
July 2, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB. No. 519

A BILL TO BE ENTITLED AN ACT REQUIRING EMPLOYERS TO REIMBURSE EMPLOYMENT AGENCY FEES UNDER CERTAIN CIRCUMSTANCES and requests conferees. The Speaker has appointed Representatives Wainwright, Dawkins and Hensley on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

On motion of Senator Barnes, seconded by Senator Murphy, the Senate adjourns at 3:00 P.M. to meet Monday, July 6, at 6:00 P.M.

ONE HUNDRED TWENTY-FIFTH DAY

SENATE CHAMBER,
Monday, July 6, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, each person here recollects with clarity special occasions when something stirred within us, and we knew that a unique opportunity was available to us, maybe never to return again. We knew the feeling of a crucial moment. Life is a series of crucial moments: destiny moments; moments of decision.

"For all those who work in this place, the task of finishing the business of State represents such a moment. Through Your Grace renew them, make them aware, courageous and willing to 'seize the moment'. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of Thursday, July 2, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Winner, and to Senator Hartsell, who is attending a Cabarrus County Commissioners meeting.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders the measures sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 719 (House Committee Substitute), an act to decrease the project cost minimum for applicability of contractors licensure requirements, to clarify exemption provisions, and to require evidence of insurance coverage to be demonstrated. (Ch. 840)

S.B. 1073 (House Committee Substitute), an act to allow counties to require prisoners to work on projects to benefit units of State or local government. (Ch. 841)

H.B. 1117 (Senate Committee Substitute), an act to amend the law regarding the transfer of jurisdiction over a juvenile to superior court for trial as an adult. (Ch. 842)

H.B. 1436, an act to amend the Charter of the City of Raleigh to allow for contracts with federal agencies to assist other governments. (Ch. 843)

H.B. 1464, an act to provide that Duplin, Hertford, and Martin Counties are authorized to construct gas lines. (Ch. 844)

H.B. 1468 (Committee Substitute), an act making a qualified exception from the Public Records Act for the Brunswick and Johnston Counties Geographical Information System. (Ch. 845)

H.B. 1479 (Senate Committee Substitute), an act to exempt Martin County from certain zoning notice requirements. (Ch. 846)

H.B. 1485, an act relating to the furnishing of bonds of officials of Currituck County. (Ch. 847)

H.B. 1493 (Senate Committee Substitute), an act to allow certain counties to acquire property for use by certain county boards of education and to authorize certain local boards of education to convey property to the county in connection with improvements and repair of the property. (Ch. 848)

H.B. 1494, an act to permit the County of Stanly to rename County public and private roads and to make a technical correction in a similar act relating to Watauga County. (Ch. 849)

H.B. 1520, an act to prohibit hunting from the right-of-way of certain roads in Craven County. (Ch. 850)

H.B. 1521, an act to change the name of the New Bern-Craven County Schools to the Craven County Schools. (Ch. 851)

H.B. 1522, an act to provide the council-manager form of government in the Town of Cornelius. (Ch. 852)

H.B. 1531, an act to authorize the Bladen County Board of Education to convey certain real property to the Bladenboro Historical Society. (Ch. 853)

H.B. 1575, an act to modify Chapter 546 of the 1987 Session Laws to remove the municipalities of Apex and Fuquay-Varina from the South Wake Airport Authority. (Ch. 854)

H.B. 1577, an act to prohibit hunting from public roads in Mitchell County. (Ch. 855)

H.B. 1579, an act to modify the Raleigh Civil Service Act concerning political activity, so that general law will apply. (Ch. 856)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Martin of Guilford and Seymour:

S.B. 1267, a bill to provide for a maintenance of funds appropriated by the Board of County Commissioners to the local current expense fund of local school administrative units in Fiscal Year 1992-93 before merger becomes effective on July 1, 1993, if the merger did not require approval of the Board of County Commissioners.

Referred to **Finance Committee**.

By Senator Cooper:

S.B. 1268, a bill to amend the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association.

Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

H.B. 1514 (Committee Substitute), a bill to clarify the provisions of the State budget for the 1991-93 fiscal biennium by adjusting salaries and benefits of State employees and retirees under various retirement systems.

With unanimous consent, on motion of Senator Barnes, the Committee Substitute bill is referred to **Ways and Means Committee** and, upon a favorable report, re-referred to **Pensions and Retirement Committee** and, upon a favorable report, re-referred to **Appropriations Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 1406, a bill to divide the Flatwoods Fire District in Harnett County into two fire districts—the Flatwoods Rural Fire District and the Bunnlevel Rural Fire Insurance District, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Hyde, Johnson, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—39.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1499 (Committee Substitute), a bill authorizing the appointment of a special Board of Equalization and Review for Durham County, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Hyde, Johnson, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—39.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1504, a bill to authorize Pitt County to create rescue/emergency medical services protection districts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Hyde, Johnson, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—39.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1546 (Committee Substitute), a bill to revise and consolidate the Charter of the Town of St. Pauls, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Hyde, Johnson, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—39.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1573, a bill to incorporate the Town of Boardman in Columbus County, subject to a referendum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Hyde, Johnson,

Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—39.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education, to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, and to clarify the law relating to school administrative units in Iredell County, as amended, upon second reading.

Senator Bryan offers Amendment No. 2, amending Amendment No. 1, held to be material, which is adopted (41-0), constituting the first reading of the measure.

The Chair orders the bill, as amended, placed on the Calendar for tomorrow, July 7, for further consideration upon second reading.

S.B. 1160, a bill to authorize Alamance County to place nonviolent misdemeanants incarcerated in the Alamance County Jail to work on public works without the direct supervision of the sheriff.

The bill passes its second reading.

Senator Daniel objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 7, for further consideration upon third reading.

S.B. 1031 (House Committee Substitute), a bill to incorporate Woodlake Village in Moore County, subject to a referendum, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Daniel, Daughtry, Forrester, Goldston, Hyde, Johnson, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—40.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1150 (House Committee Substitute), a bill to allow Union County to create Fire Protection Districts in which fire protection is funded by fees rather than taxes, for concurrence in the House Committee Substitute, upon second reading.

The Senate concurs in the House Committee Substitute bill on second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Daniel, Daughtry, Forrester, Goldston, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—42.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, July 7, for further consideration upon third reading.

S.B. 1033 (Committee Substitute), a bill requiring traffic signs and other traffic control devices placed on a municipal street system street to conform to the appearance

criteria of the manual on uniform traffic control devices, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (42-0) and the measure is ordered enrolled.

S.B. 1125 (Committee Substitute), a bill to provide that Franklin and Northampton Counties are authorized to construct gas lines, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (43-0) and the measure is ordered enrolled.

H.B. 1596 (Committee Substitute), a bill to expand the application of the North Carolina Environmental Policy Act of 1971 to include the use of public land and to clarify the purpose and review process for environmental documents, as amended, upon third reading.

With unanimous consent, on motion of Senator Staton, the Committee Substitute bill, as amended, is taken up out of its regular order of business.

On motion of Senator Staton, the Committee Substitute bill, as amended, is recommitted to the **Environment and Natural Resources Committee.**

H.B. 1321 (Senate Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes, upon third reading.

Without objection, on motion of Senator Daniel, the Senate Committee Substitute bill is temporarily displaced.

H.B. 1446 (Committee Substitute), a bill to allow cities and counties to use property taxes to support public transportation without calling a referendum, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—42.

Voting in the negative: Senators Blackmon and Pollard—2.

The Committee Substitute bill, as amended, is ordered, without objection, sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

S.B. 1085, a bill to require any local government participating in the Local Governmental Employees' Retirement System and any employer in the Teachers' and State Employees' Retirement System to fund the pension costs associated with a retirement incentive program.

On motion of Senator Block, consideration of the bill is postponed until tomorrow, July 7.

H.B. 725 (Senate Committee Substitute), a bill to change the eligibility requirements for grants under the Volunteer Rescue/EMS Fund, to make one-time grants from this Fund to all volunteer rescue/EMS units, to adjust the amount of revenue in this Fund and in the Rescue Squad Workers' Relief Fund, and to increase the percentage of the Relief Fund that can be used for administrative expenses.

Without objection, on motion of Senator Plyler, the Senate Committee Substitute bill is temporarily displaced.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (See Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to H.B. 83, Section 351, the North Carolina Department of Human Resources submits the Final Report on Child Protective Services in North Carolina.

CALENDAR (Continued)

H.B. 1335 (Committee Substitute), a bill to limit the liability of farmers who allow gleaning.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 1545 (Senate Committee Substitute), a bill to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface.

With unanimous consent, on motion of Senator Daniel, the Senate Committee Substitute bill is taken up out of its regular order of business.

Pursuant to Rule 42, on motion of Senator Daniel, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1389, a bill to require State construction site safety study and the designation of safety officers on State construction sites and to require minority and women representation on the State Building Commission.

Without objection, on motion of Senator Basnight, the bill is temporarily displaced.

H.B. 1390, a bill to establish a workplace requirements program for the safety and health of all State employees.

The Chair orders, without objection, the bill temporarily displaced.

H.B. 1392 (Committee Substitute), a bill to require employers to report at least annually on fatalities and serious injuries in the workplace, to require the reporting of certain safety data to the Commissioner of Labor by various agencies, and to ensure, where appropriate, the confidentiality of data released to the Commissioner.

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 1389, a bill to require State construction site safety study and the designation of safety officers on State construction sites and to require minority and women representation on the State Building Commission, temporarily displaced earlier.

On motion of Senator Basnight, consideration of the bill is postponed until tomorrow, July 7.

H.B. 1390, a bill to establish a workplace requirements program for the safety and health of all State employees, temporarily displaced earlier.

On motion of Senator Basnight, consideration of the bill is postponed until tomorrow, July 7.

RECONSIDERATION

H.B. 1545 (Senate Committee Substitute), a bill to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface.

Senator Daniel offers a motion that the vote by which the motion to re-refer the Senate Committee Substitute bill to the **Finance Committee** prevailed be reconsidered,

which motion prevails, and the question becomes the motion to re-refer the measure to the **Finance Committee**.

With unanimous consent, Senator Daniel withdraws his motion to re-refer the Senate Committee Substitute bill to the **Finance Committee**, and on his further motion, the measure is placed on the Calendar for today, in its regular order of business.

CALENDAR (Continued)

H.B. 1393, a bill to clarify the enforcement of the building code by a municipality in its extraterritorial jurisdiction and to provide for appointments to the Building Code Council.

On motion of Senator Sands, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (46-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 1512, a bill to provide for a uniform mandatory retirement age of seventy-two for all judges and justices of the General Court of Justice.

The bill passes its second (44-2) and third readings and is ordered enrolled.

H.B. 1545 (Senate Committee Substitute), a bill to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface.

Without objection on motion of Senator Barnes, the Senate Committee Substitute bill is temporarily displaced.

H.B. 1661, a bill to validate the registration of instruments signed in the name of the register of deeds by the register's assistant or deputy and initialed by the assistant or deputy.

The bill passes its second (45-0) and third readings and is ordered enrolled.

S.B. 185 (House Committee Substitute), a bill concerning the taxation of corporations that attribute part of their income from the sale of certain export property to a foreign sales corporation, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Warren—43.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 740 (House Committee Substitute), a bill relating to runners for health care providers, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill on its second (44-0) and third readings and the measure is ordered enrolled.

H.B. 1321 (Senate Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes, temporarily displaced earlier, upon third reading.

On motion of Senator Barnes, further consideration of the Senate Committee Substitute bill is postponed until tomorrow, July 7.

H.B. 1545 (Senate Committee Substitute), a bill to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface, temporarily displaced earlier.

On motion of Senator Barnes, further consideration of the Senate Committee Substitute bill is postponed until tomorrow, July 7.

H.B. 725 (Senate Committee Substitute), a bill to change the eligibility requirements for grants under the Volunteer Rescue/EMS Fund, to make one-time grants from this Fund to all volunteer rescue/EMS units, to adjust the amount of revenue in this Fund and in the Rescue Squad Workers' Relief Fund, and to increase the percentage of the Relief Fund that can be used for administrative expenses, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered, without objection, sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

The President recognizes the following pages serving in the Senate this week:

Tracey Barefoot, Raleigh; Matthew Batton, Elizabethtown; Grier Booker, Greensboro; Barrett Brewer, Clinton; Austin McNeil Chestnut, Raleigh; Tracy LaVerne Cole, Edenton; Sara Dalton, Hope Mills; Christina L. Duke, Youngsville; Lea Marie Dunn, Raleigh; Andrea N. Faircloth, Angier; William Taylor Griffin, Wilson; Lori Henley, Hope Mills; Kevin Lamont Henry, Greensboro; Coffield King, Franklin; Christi M. Murphy, Henderson; Melissa Louise Sutton, Raleigh; Carol Swink, Fayetteville; Kimberly E. Thomas, Raleigh; Jermy Edward Wafel, Raleigh; Tiffany L. Watson, Raleigh; and Garrett Perdue, New Bern.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 519 (Senate Committee Substitute), a bill requiring employers to reimburse employment agency fees under certain circumstances.

Pursuant to the message from the House of Representatives received on, Thursday, July 2, requesting conferees, Senator Soles offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Soles (Chairman), Odom, and Raynor, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 531
House Committee Substitute

House of Representatives
July 6, 1992

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to S.B. No. 531, A BILL TO PROVIDE THAT THE EASTERN BAND OF CHEROKEE INDIANS SHALL BE ELIGIBLE TO: (1) BE A MEMBER OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY, AND (2) APPLY FOR FINANCING A PROJECT WITH A LOAN FROM THE NORTH CAROLINA SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AUTHORITY, the Speaker has appointed as conferees on the part of the House, Representatives Ramsey,

Beall, Dial and Thompson to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 968, a bill to set a referendum on possible changes in the electoral system for the Town of Oriental, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 7.

S.B. 998, a bill to create the Sanford-Lee County Regional Airport Authority, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow, July 7.

S.B. 1088, a bill to make administrative changes to the Rowan occupancy tax law, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 7.

S.B. 1158, a bill to permit the State of North Carolina to grant a utility easement to Carolina Power and Light Company across Umstead Park and to require the Department of Transportation to maintain parking lots in the State parks and recreation areas, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 7.

S.B. 1175, a bill to allow Stanly and Iredell Counties to acquire property for use by the County Boards of Education and to authorize Boards of Education in Stanly, Richmond, and Iredell Counties to convey property to the County in connection with improvements and repair of the property, for concurrence in House Amendments No. 1, No. 2, and No. 3. House Amendment No. 1 changes the title, upon concurrence, to read **S.B. 1175**, a bill to allow certain counties to acquire property for use by the county boards of education and to authorize boards of education in certain counties to convey property to the county in connection with improvements and repair of the property. The Chair orders the measure placed on the Calendar for tomorrow, July 7.

S.B. 1181, a bill to alter the manner of election of the Craven County Board of Commissioners, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 7.

On motion of Senator Barnes, seconded by Senator Forrester, the Senate adjourns at 7:05 P.M. to meet tomorrow, July 7, at 1:30 P.M.

ONE HUNDRED TWENTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, July 7, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, we live in a world dictated by time. The Greeks called it 'Chronos' chronology; time measured by the ticking of a clock. Time calendared full with meetings and appointments. We must put in, pass, and endure chronology.

"But the Scriptures also enlighten another kind of time called 'Kairos', full time, vital time, when You break in powerfully to speak to us or act in our behalf. The Israelites, standing at the edge of the Red Sea with Pharoah's army in pursuit, experienced both chronos and kairos.

"So we pray, that in the midst of the chronology of the work of the General Assembly, You will bless Your servants with a breakthrough kairos kind of time in their negotiations. Thank You for the promise of Your Presence to that end. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, July 6, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders measures sent to the House of Representatives by special messenger.

ENROLLED BILLS AND RESOLUTION

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 185 (House Committee Substitute), an act concerning the taxation of corporations that attribute part of their income from the sale of certain export property to a foreign sales corporation. (Ch. 857)

S.B. 740 (House Committee Substitute), an act relating to runners for health care providers. (Ch. 858)

S.B. 1031 (House Committee Substitute), an act to incorporate Woodlake Village in Moore County, subject to a referendum. (Ch. 859)

S.B. 1033 (Committee Substitute), an act requiring traffic signs and other traffic control devices placed on a municipal street system street to conform to the appearance criteria of the Manual on Uniform Traffic Control Devices. (Ch. 860)

S.B. 1069, an act to amend and restate the Charter of the Greenville Utilities Commission of the City of Greenville. (Ch. 861)

S.B. 1087, an act to create a new offense of third degree trespass in Rowan County. (Ch. 862)

S.B. 1101, an act to increase the membership of the Nash County Alcoholic Beverage Control Board from three to five members. (Ch. 863)

S.B. 1125 (Committee Substitute), an act to provide that Franklin and Northampton Counties are authorized to construct gas lines. (Ch. 864)

S.B. 1133, an act to allow Johnston County to acquire property for use by its Board of Education. (Ch. 865)

S.B. 1149, an act to allow Montgomery County to establish voting precincts without regard to township boundaries. (Ch. 866)

H.B. 1320 (Committee Substitute), an act to clarify that the scrap tire disposal tax does not apply to new tires placed on newly manufactured vehicles. (Ch. 867)

H.B. 1335 (Committee Substitute), an act to limit the liability of farmers who allow gleaning. (Ch. 868)

H.B. 1361, an act to create an educational leadership task force to identify how to best select, train, evaluate, assess, and regulate the State's educational leaders. (Ch. 869)

H.B. 1406, an act to divide the Flatwoods Fire District in Harnett County into two fire districts—the Flatwoods Rural Fire District and the Bunnlevel Rural Fire Insurance District. (Ch. 870)

H.B. 1499 (Committee Substitute), an act authorizing the appointment of a special Board of Equalization and Review for Durham County. (Ch. 871)

H.B. 1504, an act to authorize Pitt County to create rescue/emergency medical services protection districts. (Ch. 872)

H.B. 1512, an act to provide for a uniform mandatory retirement age of seventy-two for all judges and justices of the General Court of Justice. (Ch. 873)

H.B. 1546 (Committee Substitute), an act to revise and consolidate the Charter of the Town of St. Pauls. (Ch. 874)

H.B. 1567, an act to exempt Surry County from certain statutory requirements in the construction of an animal shelter facility. (Ch. 875)

H.B. 1573, an act to incorporate the Town of Boardman in Columbus County, subject to a referendum. (Ch. 876)

H.B. 1661, an act to validate the registration of instruments signed in the name of the register of deeds by the register's assistant or deputy and initialed by the assistant or deputy. (Ch. 877)

S.J.R. 1253, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan. (Res. 65)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Murphy for the **Human Resources Committee**:

H.B. 1375, a bill to amend Chapter 593 of the 1991 Session Laws to provide for the State Bureau of Investigation's immediate notification of alleged sexual abuse in day care, with a favorable report, as amended.

By Senator Tally for the **Environment and Natural Resources Committee**:

S.B. 145 (House Committee Substitute No. 2), a bill to change the requirement that twenty-five percent of plastic bags be recycled to a goal, to extend the date on which twenty-five percent of certain polystyrene foam products must be recycled, to authorize counties to include fees for subsurface discharge wastewater management systems and services on property tax bills, and to allow regional solid waste management authorities to manage nonhazardous sludges on the same basis as individual units of local government, with a favorable report as to concurrence.

Pursuant to Rule 43, the House Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

H.B. 1596 (Committee Substitute), a bill to expand the application of the North Carolina Environmental Policy Act of 1971 to include the use of public land and to clarify the purpose and review process for environmental documents, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 8, for further consideration.

By Senator Sherron for the **State Personnel and State Government Committee:**

H.B. 1657, a bill to abolish the North Carolina Council on Interstate Cooperation, which has not met since 1979, with a favorable report.

H.B. 1006, a bill to maintain and strengthen the current administration of State government's Equal Employment Opportunity Program, with a favorable report, as amended.

By Senator Sands for the **Judiciary II Committee:**

H.B. 1391, a bill to create a special emphasis program to target OSHA inspections, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 8, for further consideration.

H.B. 1395, a bill to establish an inter-agency task force to study the reorganization of State agencies involved with occupational safety and health and fire safety responsibilities and to report to the LRC Committee on Fire and Occupational Safety at Industrial and Commercial Facilities by October 1, 1992, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 1395** (Senate Committee Substitute), a bill to establish an inter-agency task force to study the reorganization of State agencies involved with occupational safety and health and fire safety responsibilities and to file a report with the General Assembly, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 8, for further consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

S.B. 314, a bill to appropriate funds to the Department of Correction for the development and implementation of manufacturing or other industries within State prison facilities by private enterprises, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 314** (House Committee Substitute), a bill to allow the Department of Correction to develop and implement manufacturing or other industries within State prison facilitites by private enterprises.

Referred to **Judiciary II Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1322
(Senate Committee Substitute)

House of Representatives
July 6, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB. No. 1322 A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF BEER A MINI-BREWERY CAN SELL TO CONSUMERS AT THE BREWERY AND TO MAKE CHANGES TO THE ALCOHOLIC BEVERAGE LAWS and requests conferees. The Speaker has appointed Representatives Gamble, Chairman; Stamey, Privette, Bowen, Sam Hunt, Devane, Colton, Brubaker, Fitch, Bowie and Jeralds on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1323

House of Representatives
July 6, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to HB. No. 1323 A BILL TO BE ENTITLED AN ACT TO REPLACE THE AUTHORITY OF COUNTIES TO RETAIN THEIR COSTS IN COLLECTING THE STATE'S SHARE OF THE DEED STAMP TAX WITH THE AUTHORITY TO RETAIN A FIXED PERCENTAGE OF THE REVENUE FROM THAT TAX and requests conferees. The Speaker has appointed Representatives Gamble, Hightower and Kerr on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education, to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, and to clarify the law relating to school administrative units in Iredell County, as amended, upon second reading.

Senator Allran offers a motion that the vote by which Amendment No. 2 was adopted be reconsidered.

Senator Kincaid offers a substitute motion that the bill, as amended, be recommitted to the **Education Committee**, which motion he subsequently withdraws.

The motion offered by Senator Allran to reconsider the vote by which Amendment No. 2 was adopted fails to prevail (16-31), and the question reverts to passage of the measure upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 35, noes 12, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Blackmon, Bryan, Conder, Cooper, Daniel, Goldston, Hartsell, Hunt, Johnson, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—35.

Voting in the negative: Senators Allran, Block, Carpenter, Carter, Cochrane, Daughtry, Forrester, Hyde, Lee, Parnell, Perdue, and Smith—12.

The bill, as amended, is ordered placed on the Calendar for tomorrow, July 8, for further consideration upon third reading.

S.B. 1093 (Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, to amend the Constitution of North Carolina, and to make conforming statutory changes, upon second reading.

With unanimous consent, on motion of Senator Daniel, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Daniel, consideration of the Committee Substitute bill is postponed until tomorrow, July 8.

H.B. 1350, a bill to make technical and administrative changes relating to property taxes on motor vehicles, upon second reading.

On motion of Senator Daniel, consideration of the bill is postponed until tomorrow, July 8.

REPORT OF COMMITTEE

A bill is reported from a standing committee out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Royall for the Ways and Means Committee:

H.B. 1514 (Committee Substitute), a bill to clarify the provisions of the State budget for the 1991-93 fiscal biennium by adjusting salaries and benefits of State employees and retirees under various retirement systems, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Royall, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 1514** (Senate Committee Substitute), a bill to clarify the provisions of the State budget for the 1991-93 fiscal biennium by adjusting salaries and benefits of State employees and retirees under various retirement systems and to provide for a binding referendum on the establishment of a North Carolina State lottery, is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Senate Committee Substitute bill is adopted, and on his further motion is re-referred to the **Pensions and Retirement Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1322 (Senate Committee Substitute), a bill to increase the amount of beer a mini-brewery can sell to consumers at the brewery and to make changes to the alcoholic beverage laws, which proposes to change the title.

Pursuant to the message from the House of Representatives received earlier today requesting conferees, Senator Ballance offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

On motion of Senator Barnes, the Senate recesses at 2:20 P.M. for the purpose of a committee meeting to reconvene at 2:45 P.M..

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

CALENDAR (Continued)

H.B. 1550, a bill to authorize Rockingham County to establish noise districts and to regulate noise within those districts and to modify G.S. 160A-443(5a) with respect to the City of Reidsville, as amended.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 1569, a bill to authorize Boards of Education in Richmond County to convey property to the County in connection with improvements and repair of the property.

The bill passes its second and third readings and is ordered enrolled.

S.B. 1160, a bill to authorize Alamance County to place nonviolent misdemeanants incarcerated in the Alamance County Jail to work on public works without the direct supervision of the sheriff, upon third reading.

On motion of Senator Daniel, consideration of the bill is postponed until tomorrow, July 8.

S.B. 1150 (House Committee Substitute), a bill to allow Union County to create Fire Protection Districts in which fire protection is funded by fees rather than taxes, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kincaid, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Raynor, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Staton, Tally, Walker, Ward, Warren, and Winner—39.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and is disposed of, as follows:

By Senator Block for the **Pensions and Retirement Committee**:

H.B. 1514 (Senate Committee Substitute), a bill to clarify the provisions of the State budget for the 1991-93 fiscal biennium by adjusting salaries and benefits of State employees and retirees under various retirement systems and to provide for a binding referendum on the establishment of a North Carolina State lottery, with a favorable report.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR (Continued)

S.B. 998, a bill to create the Sanford-Lee County Regional Airport Authority, for concurrence in House Amendments No. 1 and No. 2, upon second reading.

The Senate concurs in House Amendments No. 1 and No. 2 on second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Raynor, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—44.

Voting in the negative: None.

The bill remains on the Calendar tomorrow, July 8, for further consideration upon third reading.

S.B. 968, a bill to set a referendum on possible changes in the electoral system for the Town of Oriental, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (45-0) and the measure is ordered enrolled.

S.B. 1088, a bill to make administrative changes to the Rowan occupancy tax law, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (45-0) and the measure is ordered enrolled.

S.B. 1175, a bill to allow Stanly and Iredell Counties to acquire property for use by the County Boards of Education and to authorize Boards of Education in Stanly, Richmond, and Iredell Counties to convey property to the County in connection with improvements and repair of the property, for concurrence in House Amendments No. 1, No. 2, and No. 3, which proposes to change the title.

On motion of Senator Conder, consideration of the bill is postponed until tomorrow, July 8.

S.B. 1181, a bill to alter the manner of election of the Craven County Board of Commissioners, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (45-0) and the measure is ordered enrolled.

On motion of Senator Barnes, the Senate recesses at 2:50 P.M. for the purpose of a committee meeting to reconvene at 3:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore,* who presides in the absense of the Lieutenant Governor.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and is disposed of, as follows:

By Senator Daniel for the Finance Committee:

H.B. 1514 (Senate Committee Substitute), a bill to clarify the provisions of the State budget for the 1991-93 fiscal biennium by adjusting salaries and benefits of State employees and retirees under various retirement systems and to provide for a binding

referendum on the establishment of a North Carolina State lottery, with a favorable report.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee.**

Without objection, on motion of Senator Royall, the Senate recesses at 3:20 P.M. for the purpose of a committee meeting to reconvene at 3:40 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

CALENDAR (Continued)

H.B. 1321 (Senate Committee Substitute), a bill to make technical and clarifying changes to the revenue laws and related statutes, upon third reading.

Senator Winner offers Amendment No. 1 which is adopted (37-0).

With unanimous consent, on motion of Senator Winner, the rules are suspended to grant privileges of the floor to staff members to assist in the explanation of the measure.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Block, Bryan, Cochrane, Conder, Cooper, Daniel, Forrester, Goldston, Hartsell, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—42.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

WITHDRAWAL FROM COMMITTEE

H.B. 31 (Committee Substitute), a bill to permit injured firemen to receive disability payments under the North Carolina Local Governmental Employees' Retirement System after one year's service and to allow for disability benefit if death occurs prior to retirement, as amended by the **Pensions and Retirement Committee**, and re-referred to the **Appropriations Committee** on June 30.

Senator Basnight offers a motion the rules be suspended and the Committee Substitute bill be taken from the **Appropriations Committee** and placed before the Senate for immediate consideration, which motion prevails.

With unanimous consent, the Chair orders the Committee Substitute bill, as amended, placed before the Senate for immediate consideration.

Senator Basnight offers a motion that the vote by which Amendment No. 1, recommended by the **Pensions and Retirement Committee**, was adopted be reconsidered, which motion prevails, and the question becomes the adoption of Committee Amendment No. 1. Amendment No. 1 fails of adoption (0-47).

The Committee Substitute bill passes its second reading (45-0).

Senator Odom objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 8, for further consideration, upon third reading.

REPORT OF COMMITTEE

A bill is reported from a standing committee out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Basnight for the Appropriations Committee:

H.B. 1514 (Senate Committee Substitute), a bill to clarify the provisions of the State budget for the 1991-93 fiscal biennium by adjusting salaries and benefits of State employees and retirees under various retirement systems and to provide for a binding referendum on the establishment of a North Carolina State lottery, with a favorable report.

On motion of Senator Basnight, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, upon its passage.

The Senate Committee Substitute bill passes its second (32-15) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

CALENDAR (Continued)

H.B. 1324 (Committee Substitute), a bill to clarify the statutes governing income tax returns and tax filing extensions and to authorize the Secretary of Revenue to allow paperless tax filing extensions and electronic filing of income tax returns.

With unanimous consent, on motion of Senator Daniel, the Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Daniel, consideration of the Committee Substitute bill is postponed until tomorrow, July 8.

H.B. 863, a bill to require that at least twenty-five percent of the proceeds from bingo games be used for charitable purposes, as amended, upon third reading.

With unanimous consent, on motion of Senator Ballance, the bill, as amended, is taken up out of its regular order of business.

On motion of Senator Ballance, consideration of the bill, as amended, is postponed until Thursday, July 9.

S.B. 1085, a bill to require any local government participating in the Local Governmental Employees' Retirement System and any employer in the Teachers' and State Employees' Retirement System to fund the pension costs associated with a retirement incentive program.

On motion of Senator Block, Committee Amendment No. 1 is adopted.

With unanimous consent on motion of Senator Block, the rules are suspended to grant privileges of the floor to staff members for the purpose of assisting in the explanation of the measure.

Senator Odom offers Amendment No. 2 which fails of adoption (18-28).

The bill, as amended, passes its second reading (40-4).

Senator Odom objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 8, for further consideration, upon third reading.

H.B. 1389, a bill to require State construction site safety study and the designation of safety officers on State construction sites and to require minority and women representation on the State Building Commission.

The bill passes its second (39-6) and third readings and is ordered enrolled.

H.B. 1390, a bill to establish a workplace requirements program for the safety and health of all State employees.

On motion of Senator Basnight, Committee Amendment No. 1 is adopted (43-4).

The bill, as amended, passes its second reading (34-11).

Senator Plyler objects to the third reading of the bill, as amended. The Chair orders the measure placed on the Calendar for tomorrow, July 8, for further consideration, upon third reading.

H.B. 1545 (Senate Committee Substitute), a bill to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface.

Pursuant to Rule 42, on motion of Senator Daniel, the Senate Committee Substitute bill is recommitted to the **Finance Committee**.

S.B. 1158, a bill to permit the State of North Carolina to grant a utility easement to Carolina Power and Light Company across Umstead Park and to require the Department of Transportation to maintain parking lots in the State parks and recreation areas, for concurrence in House Amendment No. 1, upon second reading.

Receiving a three-fifths majority affirmative vote, the Senate concurs in House Amendment No. 1 on second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Blackmon, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Pollard, Raynor, Richardson, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, Warren, and Winner—43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, July 8, for further consideration upon third reading.

RE-REFERRAL

S.B. 26 (Committee Substitute), a bill to modify the Statutes governing fire relief funds, referred to **State Personnel and State Government Committee** on July 2.

Senator Sherron offers a motion the rules be suspended and the Committee Substitute bill be taken from the **State Personnel and State Government Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the Committee Substitute bill re-referred to the **Appropriations Committee**.

CONFERENCE REPORT

H.B. 190 (Senate Committee Substitute)

Senator Sands for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 190** (Senate Committee Substitute), a bill allowing judgment for equitable distribution to be entered prior to entry of a divorce decree in certain cases and to clarify equitable distributions related to a professional practice, which proposes to change the title, submits the following report which proposes to further change the title, upon adoption, to read, **H.B. 190**, a bill allowing judgment for equitable distribution to be entered prior to entry of a divorce decree in certain cases.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 190, A BILL TO BE ENTITLED AN

ACT ALLOWING JUDGMENT FOR EQUITABLE DISTRIBUTION TO BE ENTERED PRIOR TO ENTRY OF A DIVORCE DECREE IN CERTAIN CASES AND TO CLARIFY EQUITABLE DISTRIBUTIONS RELATED TO A PROFESSIONAL PRACTICE, Senate Judiciary Committee Substitute Adopted 7/3/91, wish to report as follows: The House concurs in the Senate Committee Substitute with the following amendments:

(1) on page 1, lines 4 and 5, by rewriting those lines to read: "CASES.";

(2) on page 2, lines 5-24, by deleting those lines and renumbering the succeeding section accordingly; and

(3) on page 2, line 25, by deleting "1991" and substituting "1992";

and the Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 9th day of June, 1991.

S/Sands	S/J. Rhyne
S/Winner	S/Hackney
S/Cooper	S/Flaherty
S/Hartsell	S/Harry E. Payne, Jr.
	S/Bowman
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

Without objection, on motion of Senator Sands, the Conference Report is placed on the Calendar for tomorrow, July 8, for adoption.

REPORT OF COMMITTEE

Bills are reported from a standing committee out of the regular order of business, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee**:

H.B. 172 (Senate Committee Substitute), a bill to resume electing the Tax Collector of Mitchell County, with a favorable report.

H.B. 1325, a bill to make conforming changes to the corporate income tax on unrelated business income of exempt corporations, with a favorable report.

H.B. 1326, a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, with a favorable report.

H.B. 1527 (Committee Substitute), a bill to annex certain territory into the corporate limits of the Town of Farmville, with a favorable report.

On motion of Senator Martin of Pitt, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hyde, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Winner—43.

Voting in the negative: Senator Ballance—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 8, for further consideration upon third reading.

S.B. 1213, a bill to provide that distributions and reimbursements to local governments shall be provided by earmarking rather than by appropriation and to remove the cap on these distributions and reimbursements that was added in 1991, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1213** (Committee Substitute), a bill to provide that reimbursements to local governments shall be provided by earmarking rather than by appropriation and to provide that the Fiscal Trends Study Commission shall conduct an in-depth study of local government fiscal issues, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 1262, a bill to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions and to levy a fee for filing an appeal to the Property Tax Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1262** (Committee Substitute), a bill to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions, to levy a fee for filing an appeal to the Property Tax Commission, and to change the authority to appoint one member of the Property Tax Commission from the President of the Senate to the President *Pro Tempore* of the Senate, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, July 8, for further consideration.

H.B. 1455 (Committee Substitute), a bill to require real estate appraisers to obtain privilege licenses, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 1455** (Senate Committee Substitute), a bill to impose a privilege license tax on real estate appraisers, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 8, for further consideration.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 1322 (Senate Committee Substitute), a bill to increase the amount of beer a mini-brewery can sell to consumers at the brewery and to make changes to the alcoholic beverage laws, which proposes to change the title.

Pursuant to the message from the House of Representatives received earlier today and the motion offered by Senator Ballance that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Ballance (Chairman), Marvin, Pollard, Plyler, Goldston, Raynor, and Walker as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1323 (Committee Substitute), a bill to replace the authority of counties to retain their costs in collecting the State's share of the deed stamp tax with the authority to retain a fixed percentage of the revenue from that tax.

Pursuant to the message from the House of Representatives received earlier today requesting conferees, with unanimous consent, the President *Pro Tempore* appoints Senators Daniel (Chairman), Seymour, and Staton as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Barnes, seconded by Senator Shaw, the Senate adjourns at 4:45 P.M. to meet tomorrow, July 8, at 1:30 P.M.

ONE HUNDRED TWENTY-SEVENTH DAY

SENATE CHAMBER,
Wednesday, July 8, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, the Holy Scriptures tell us to 'let your light so shine before people, that they may see your good works and give glory to God Who is in Heaven.'

"Much later in history a philosopher wrote, 'there are two ways of spreading light—to be the candle or the mirror that reflects it.'

"God of Light, give us the good sense to know the difference in our attempts to be light-givers. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, July 7, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Winner.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders the measures sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 968, an act to set a referendum on possible changes in the electoral system for the Town of Oriental. (Ch. 878)

S.B. 1026 (Committee Substitute), an act to increase the number of members of the Board of Trustees of the School of Science and Math to conform to the number of congressional districts which resulted from the 1990 census; to make administrative changes pertaining to the North Carolina Center for Nursing; and to provide for staggering the terms of members of the Nursing Scholars Commission. (Ch. 879)

S.B. 1028, an act to require the Board of Governors of the University of North Carolina, the State Board of Community Colleges, the State Board of Education, and the State's private institutions of higher education to cooperate in an exchange of information. (Ch. 880)

S.B. 1054, an act to bring Mecklenburg County's Fair Housing Act into compliance with the Federal Fair Housing Act. (Ch. 881)

S.B. 1088, an act to make administrative changes to the Rowan occupancy tax law. (Ch. 882)

S.B. 1150 (House Committee Substitute), an act to allow Union County to create Fire Protection Districts in which fire protection is funded by fees rather than taxes. (Ch. 883)

S.B. 1165, an act to authorize the Towns of Cornelius and Davidson in Mecklenburg County to regulate in certain extraterritorial areas. (Ch. 884)

S.B. 1176, an act to establish by a description the boundaries for Jot-Um-Down Fire District in Surry County. (Ch. 885)

S.B. 1177, an act to establish by a description the boundaries for C.C. Camp Fire District in Surry County. (Ch. 886)

S.B. 1181, an act to alter the manner of election of the Craven County Board of Commissioners. (Ch. 887)

S.B. 1193 (Committee Substitute), an act to authorize joint agencies to provide aid and assistance to municipalities and joint municipal assistance agencies as recommended by the Joint Legislative Utility Review Committee and to clarify the authority to invest joint agency funds. (Ch. 888)

S.B. 1197 (Committee Substitute), an act to implement the oxygenated and reformulated gasoline requirements of the 1990 amendments to the Federal Clean Air Act. (Ch. 889)

S.B. 1206 (Committee Substitute), an act to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources. (Ch. 890)

H.B. 810 (Senate Committee Substitute No. 2), an act to permit the Town of Catawba to annex areas lying within the corporate boundaries of that Town. (Ch. 891)

H.B. 978 (Senate Committee Substitute), an act to protect forestry operations from nuisance suits under certain circumstances. (Ch. 892)

H.B. 1389, an act to require State construction site safety study and the designation of safety officers on State construction sites and to require minority and women representation on the State Building Commission. (Ch. 893)

H.B. 1392 (Committee Substitute), an act to require employers to report at least annually on fatalities and serious injuries in the workplace, to require the reporting of certain safety data to the Commissioner of Labor by various agencies, and to ensure, where appropriate, the confidentiality of data released to the Commissioner. (Ch. 894)

H.B. 1393, an act to clarify the enforcement of the building code by a municipality in its extraterritorial jurisdiction and to provide for appointments to the Building Code Council. (Ch. 895)

H.B. 1446 (Committee Substitute), an act to allow cities and counties to use property taxes to support public transportation without calling a referendum. (Ch. 896)

H.B. 1566, an act to increase the benefits of the Henderson Firemen's Supplemental Retirement System. (Ch. 897)

H.B. 1569, an act to authorize Boards of Education in Richmond County to convey property to the County in connection with improvements and repair of the property. (Ch. 898)

H.B. 1583, an act to clarify the authority of the Department of Administration to adopt rules to implement the North Carolina Environmental Policy Act of 1971 and of State agencies to adopt rules establishing minimum criteria. (Ch. 899)

S.J.R. 1051, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring Duke University on winning its second straight NCAA Division I Men's Basketball Championship. (Res. 66)

S.J.R. 1244, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to impose additional civil penalties for the illegal manufacture and sale of alcoholic beverages. (Res. 67)

On motion of Senator Barnes, the Senate recesses at 1:45 P.M. to reconvene at 2:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Agriculture, Marine Resources, and Wildlife Committee**:

S.B. 1261, a bill to remove the requirement that a person be a resident of the State in order to obtain a hunting and fishing guide license, with a favorable report.

By Senator Conder for the **Education Committee**:

S.B. 1265, a bill to clarify the exclusion of nonpublic schools from the day care law, with a favorable report.

H.B. 599 (Committee Substitute), a bill to make various changes in the public school tenure law, with a favorable report, as amended.

By Senator Goldston for the **Transportation Committee**:

H.B. 1662, a bill to allow certain advertising signs along the right-of-way of State highways, with a favorable report.

INTRODUCTION OF BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Sherron:

S.B. 1269, a bill to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan.

Referred to **State Personnel and State Government Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1514 House of Representatives
(Senate Committee Substitute) July 7, 1992

Mr. President:

It is ordered that a message be sent informing your Honorable Body that the Speaker rules that the Senate action taken by the Senate Committee Substitute for H.B. 1514, "A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROVISIONS OF THE STATE BUDGET FOR THE 1991-93 FISCAL BIENNIUM BY ADJUSTING SALARIES AND BENEFITS OF STATE EMPLOYEES AND RETIREES UNDER VARIOUS RETIREMENT SYSTEMS AND TO PROVIDE FOR A BINDING REFERENDUM ON THE ESTABLISHMENT OF A NORTH CAROLINA STATE LOTTERY", is not germane to the original bill. The Senate committee substitute is returned to your Honorable Body.

Respectfully,
S/Grace A. Collins
House Principal Clerk

With unanimous consent, on motion of Senator Barnes, the Senate Committee Substitute bill is ordered sent to the House of Representatives a second time with a request the Speaker reconsider the ruling.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 51 (Committee Substitute No. 2), a bill to modify the Funeral and Burial Trust Fund Act, for concurrence in the House Amendments No. 1, No. 2, and No. 3.

On motion of Senator Conder, the rules are suspended, without objection, and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

The Senate concurs in House Amendments No. 1, No. 2, and No. 3 (29-14) and the measure is ordered enrolled.

S.B. 369, a bill to provide multiyear registration plates for trailers, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 369** (House Committee Substitute), a bill to provide multiyear registration plates for semitrailers.

Referred to **Finance Committee.**

S.B. 1050, a bill to amend the definition of "day care" to exclude drop-in care and to require the Department of Human Resources to study how to ensure the health and safety of children in drop-in care, for concurrence in House Amendment No. 1.

On motion of Senator Richardson, the rules are suspended, without objection, and the bill is placed before the Senate for immediate consideration.

The Senate concurs in House Amendment No. 1 (45-0) and the measure is ordered enrolled.

H.B. 1529 (Committee Substitute), a bill to permit the Town of Catawba to annex areas lying within the corporate boundaries of that Town.

Referred to **Local Government and Regional Affairs Committee**, and upon a favorable report re-referred to **Finance Committee**.

H.J.R. 1647, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to prohibit cities and counties from having more stringent standards for display of religious flags than for the American Flag.

Referred to **Judiciary I Committee**.

H.B. 1663, a bill to clarify that special library registration deputies and special high school registration commissioners need not reside in the county where they register voters.

Referred to **Election Laws Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 1390, a bill to establish a workplace requirements program for the safety and health of all State employees, as amended, upon third reading.

With unanimous consent, on motion of Senator Plyler, the bill, as amended, is taken up out of its regular order of business.

On motion of Senator Plyler, consideration of the bill, as amended, is postponed until tomorrow, July 9.

H.B. 190 (Senate Committee Substitute), a bill allowing judgment for equitable distribution to be entered prior to entry of a divorce decree in certain cases, Conference Report, for adoption, submitted Tuesday, July 7, and which proposes to change the title.

On motion of Senator Sands, the Senate adopts the Conference Report (44-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1527 (Committee Substitute), a bill to annex certain territory into the corporate limits of the Town of Farmville, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, and Ward—43.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered enrolled.

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education, to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, and to clarify the law relating to school administrative units in Iredell County, as amended, upon third reading.

On motion of Senator Daniel the bill, as amended, is temporarily displaced.

H.B. 172 (Senate Committee Substitute), a bill to resume electing the Tax Collector of Mitchell County.

Senator Simpson offers Amendment No. 1 which is adopted (23-20).

The Senate Committee Substitute bill, as amended, passes its second (37-6) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

S.B. 1160, a bill to authorize Alamance County to place nonviolent misdemeanants incarcerated in the Alamance County Jail to work on public works without the direct supervision of the sheriff, upon third reading.

On motion of Senator Daniel, the bill is recommitted to the **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee.**

S.B. 998, a bill to create the Sanford-Lee County Regional Airport Authority, for concurrence in House Amendments No. 1 and No. 2, upon third reading.

The Senate concurs in House Amendments No. 1 and No. 2 on third reading by roll-"call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Ward—43.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 1175, a bill to allow Stanly and Iredell Counties to acquire property for use by the County Boards of Education and to authorize Boards of Education in Stanly, Richmond, and Iredell Counties to convey property to the County in connection with improvements and repair of the property, for concurrence in House Amendments No. 1, No. 2, and No. 3, upon second reading, and which proposes to change the title.

On motion of Senator Conder, consideration of the bill is postponed until tomorrow, July 9.

S.B. 1093 (Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, to amend the Constitution of North Carolina, and to make conforming statutory changes, upon second reading.

On motion of Senator Daniel, the Committee Substitute bill is recommitted to the **Appropriations Committee.**

H.B. 1325, a bill to make conforming changes to the corporate income tax on unrelated business income of exempt corporations, upon second reading.

On motion of Senator Daniel, without objection, the bill is temporarily displaced.

H.B. 1326, a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, upon second reading.

On motion of Senator Daniel, without objection, the bill is temporarily displaced.

H.B. 1350, a bill to make technical and administrative changes relating to property taxes on motor vehicles, upon second reading.

On motion of Senator Daniel, without objection, the bill is temporarily displaced.

H.B. 1455 (Senate Committee Substitute), a bill to impose a privilege license tax on real estate appraisers, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, and Ward—42.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 9, for further consideration upon third reading.

S.B. 1262 (Committee Substitute), a bill to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions, to levy a fee for filing an appeal to the Property Tax Commission, and to change the authority to appoint one member of the Property Tax Commission from the President of the Senate to the President *Pro Tempore* of the Senate.

The Committee Substitute bill passes its second (41-2) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 1006, a bill to maintain and strengthen the current administration of State government's Equal Employment Opportunity Program.

On motion of Senator Sherron, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 1324 (Committee Substitute), a bill to clarify the statutes governing income tax returns and tax filing extensions and to authorize the Secretary of Revenue to allow paperless tax filing extensions and electronic filing of income tax returns.

On motion of Senator Daniel, without objection, the Committee Substitute bill is temporarily displaced.

H.B. 1375, a bill to amend Chapter 593 of the 1991 Session Laws to provide for the State Bureau of Investigation's immediate notification of alleged sexual abuse in day care.

On motion of Senator Murphy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (42-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 1391 (Senate Committee Substitute), a bill to create a special emphasis program to target OSHA inspections.

The Senate Committee Substitute bill passes its second (43-1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 1395 (Senate Committee Substitute), a bill to establish an inter-agency task force to study the reorganization of State agencies involved with occupational safety and health and fire safety responsibilities and to file a report with the General Assembly.

The Senate Committee Substitute bill passes its second (36-9) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

The President relinquishes the gavel to Senator Barnes, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

H.B. 1324 (Committee Substitute), a bill to clarify the statutes governing income tax returns and tax filing extensions and to authorize the Secretary of Revenue to allow paperless tax filing extensions and electronic filing of income tax returns, temporarily displaced earlier.

On motion of Senator Daniel, further consideration of the Committee Substitute bill is postponed until tomorrow, July 9.

H.B. 1657, a bill to abolish the North Carolina Council on Interstate Cooperation, which has not met since 1979.

The bill passes its second (41-0) and third readings and is ordered enrolled.

S.B. 1085, a bill to require any local government participating in the Local Governmental Employees' Retirement System and any employer in the Teachers' and

State Employees' Retirement System to fund the pension costs associated with a retirement incentive program, as amended, upon third reading.

Senator Richardson offers Amendment No. 3 which is adopted (40-3).

The bill, as amended, passes its third reading (41-1) and is ordered engrossed and sent to the House of Representatives by special messenger.

H.B. 31 (Committee Substitute), a bill to permit injured firemen to receive disability payments under the North Carolina Local Governmental Employees' Retirement System after one year's service and to allow for disability benefit if death occurs prior to retirement.

On motion of Senator Daniel consideration of the Committee Substitute bill is postponed until tomorrow, July 9.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee**:

S.B. 1266, a bill to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists, with a favorable report.

H.B. 1366 (Committee Substitute), a bill to expand the school lunch sales tax exemption to include all school foods served by school cafeterias during the school day and foods sold by school cafeterias to day care centers, with a favorable report.

S.B. 67, a bill to provide a tax credit for the use of North Carolina ports, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Block, the Committee Substitute bill is temporarily displaced.

By Senator Sands for the **Judiciary II Committee**:

S.B. 314 (House Committee Substitute), a bill to allow the Department of Correction to develop and implement manufacturing or other industries within State prison facilities by private enterprises, with a favorable report as to concurrence.

With unanimous consent, on motion of Senator Sands, the rules are suspended and the House Committee Substitute bill is placed before the Senate for consideration, upon concurrence.

The Senate concurs in the House Committee Substitute bill (42-1) and the measure is ordered enrolled.

H.B. 1388 (Committee Substitute), a bill to require certain employers to establish safety and health programs and safety and health committees in the workplace, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Sands, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 9, for further consideration.

CALENDAR (Continued)

H.B. 1596 (Senate Committee Substitute), a bill to expand the application of the North Carolina Environmental Policy Act of 1971 to include the use of public land and to clarify the purpose and review process for environmental documents, upon third reading.

The Chair rules the Senate Committee Substitute bill requires a call of the roll and adoption of the Senate Committee Substitute bill yesterday, July 7, constitutes the first reading of the measure, and it remains before the Senate on second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Forrester, Goldston, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—40.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 9, for further consideration upon third reading.

The President *Pro Tempore* relinquishes the gavel to the President of the Senate, Lieutenant Governor Gardner, who presides.

S.B. 1158, a bill to permit the State of North Carolina to grant a utility easement to Carolina Power and Light Company across Umstead Park and to require the Department of Transportation to maintain parking lots in the State parks and recreation areas, for concurrence in House Amendment No. 1, upon third reading.

The Senate concurs in House Amendment No. 1 on third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Blackmon, Block, Carpenter, Carter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—41.

Voting in the negative: None.

Receiving a three-fifths affirmative majority vote, the bill is ordered enrolled.

S.B. 67 (Committee Substitute), a bill to provide a tax credit for the use of North Carolina ports, temporarily displaced earlier.

The Committee Substitute bill passes its second (43-1) and third readings and is ordered sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 190
(Senate Committee Substitute)

House of Representatives
July 8, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Comm. Sub. HB. No. 190, A BILL TO BE ENTITLED AN ACT ALLOWING JUDGMENT FOR EQUITABLE DISTRIBUTION TO BE ENTERED PRIOR TO ENTRY OF A DIVORCE DECREE IN CERTAIN CASES AND TO CLARIFY EQUITABLE DISTRIBUTIONS RELATED TO A PROFESSIONAL PRACTICE, which changes the title to the end that

when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

CALENDAR (Continued)

H.B. 1325, a bill to make conforming changes to the corporate income tax on unrelated business income of exempt corporations, temporarily displaced, upon second reading.

The Chair orders, the measure placed before the Senate, and subsequently orders, without objection, the bill temporarily displaced.

H.B. 1326, a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, temporarily displaced earlier, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Guilford, Marvin, Parnell, Perdue, Plexico, Plyler, Pollard, Royall, Seymour, Sherron, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—37.

Voting in the negative: Senator Sands—1.

The bill is ordered placed on the Calendar for tomorrow, July 9, for further consideration upon third reading.

CONFERENCE REPORT

H.B. 1340 (Senate Committee Substitute)

Senator Basnight, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1340** (Senate Committee Substitute), a bill to modify the Appropriations and Budget Revenue Act of 1991, As Amended, and to make other changes in the budget operation of the State, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **House Bill 1340**, Senate Appropriations Committee Substitute Fifth Edition engrossed 6/20/92 wish to report as follows:

The House concurs in the Senate Appropriations Committee Substitute, Fifth Edition engrossed 6/20/92, with the following amendment: Delete the entire Senate Appropriations Committee Substitute, Fifth Edition engrossed 6/20/92, and substitute the attached Proposed Conference Committee Substitute PCCS 4286.

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 8th day of July, 1992.

S/Marc Basnight
S/George B. Daniel
S/W. D. Goldston, Jr.
S/Herbert L. Hyde
Ted Kaplan
S/Howard N. Lee
S/William N. Martin
S/R. L. Martin
S/Helen R. Marvin
S/T. L. Odom
S/Beverly M. Perdue
S/Aaron W. Plyler
S/James Richardson
S/Kenneth C. Royall, Jr.
S/Robert G. Shaw
S/Daniel R. Simpson
S/Paul S. Smith
S/Russell Walker
S/Marvin Ward

Conferees for the Senate

S/David H. Diamont
S/Martin L. Nesbitt
S/Gerald L. Anderson
S/J. Fred Bowman
S/N. J. Crawford
S/W. Dickson
S/Ruth M. Easterling
S/Theresa H. Esposito
S/Bruce Ethridge
S/Aaron E. Fussell
S/Joe Hackney
S/Jack Hunt
S/Howard Hunter, Jr.
S/Bertha M. Holt
S/John B. McLaughlin
S/H. M. Michaux, Jr.
George W. Miller, Jr.
S/Edd Nye
S/Harry E. Payne, Jr.
S/David Redwine

Conferees for the House of Representatives

The text of the attached Proposed Conference Committee Substitute bill PCCS-4286 is as follows:

A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPROPRIATIONS AND BUDGET REVENUE ACT OF 1991, AS AMENDED, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

INTRODUCTION

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

TITLE OF ACT

Sec. 2. This act shall be known as "The Current Operations Appropriations Act of 1992."

PART 1. GENERAL FUND APPROPRIATIONS

CURRENT OPERATIONS/STATE GOVERNMENT

Sec. 3. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for the fiscal year ending June 30, 1993, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the General Fund for these purposes for the 1992-93 fiscal year. Amounts set out in brackets are reductions from General Fund appropriations for the 1992-93 fiscal year.

Current Operations/State Government	1992-93
Judicial Department	$ 7,400,000
Department of the Governor	
01. Office of State Budget and Management-Special Appropriations	850,000
Department of State Auditor	1,084

Department of State Treasurer	265,000
Department of Public Education	
01. Aid to Local School Administrative Units	(13,372,501)
02. Department of Public Instruction	4,300,000
Department of Justice	914,291
Department of Administration	
01. Administration	1,546,204
02. State Controller	2,200,000
Department of Agriculture	299,234
Department of Labor	3,700,602
Department of Insurance	1,139,944
Department of Transportation	
01. Aeronautics	2,666,666
Department of Environment, Health, and Natural Resources	7,180,925
Administrative Rules Review Commission	4,500
Department of Human Resources	
01. Alcohol Drug Abuse Treatment Center - Black Mountain	(72,569)
02. Alcohol Drug Abuse Treatment Center - Butner	40,040
03. Alcohol Drug Abuse Treatment Center - Greenville	2,719
04. N.C. Special Care Center	(898,821)
05. Black Mountain Center	(1,196,424)
06. DHR - Secretary	125,000
07. Division of Aging	
08. Schools for the Deaf and Hard of Hearing	
09. Social Services	11,619,302
10. Medical Assistance	5,661,893
11. Social Services - State Aid to Non-State Agencies	1,095,960
12. Division of Mental Health, Developmental Disabilities, and Substance Abuse Services	13,343,135
13. Dorothea Dix Hospital	(1,808,829)
14. Broughton Hospital	(1,148,100)
15. Cherry Hospital	(1,468,425)
16. John Umstead Hospital	(1,525,069)
17. Western Carolina Center	542,516
18. O'Berry Center	(973,982)
19. Murdoch Center	(1,058,265)
20. Caswell Center	(409,736)
21. Division of Facility Services	12,671,793
22. Division of Vocational Rehabilitation Services	380,000
23. Division of Youth Services	1,891,170
Total Department of Human Resources	36,813,308
Department of Correction	7,800,400
Department of Economic and Community Development	
01. Economic and Community Development	3,662,649
02. Rural Economic Development Center	2,275,000
Department of Revenue	615,591

Department of Crime Control and Public Safety	877,782
University of North Carolina - Board of Governors	
01. General Administration	(1,000,000)
02. University Institutional Program	(614,869)
03. University of North Carolina at Chapel Hill	
a. Academic Affairs	(855,000)
b. Health Affairs	(659,872)
04. North Carolina State University at Raleigh	
a. Academic Affairs	(950,000)
05. University of North Carolina at Greensboro	(344,000)
06. University of North Carolina at Charlotte	(15,000)
07. University of North Carolina at Wilmington	(55,000)
08. East Carolina University	
a. Academic Affairs	(86,000)
b. Division of Health Affairs	(1,000,000)
09. Fayetteville State University	(54,000)
10. North Carolina Central University	(75,000)
11. UNC Hospitals at Chapel Hill	(5,969,239)
Total University of North Carolina - Board of Governors	(11,677,980)
Department of Community Colleges	10,736,477
State Board of Elections	24,475
Reserve for Salary Reduction - Positions Vacated by Retirement	(19,500,000)
Reserve for Salary Increases	115,140,128
Salary Reserve Deletions	(1,926,180)
GRAND TOTAL CURRENT OPERATIONS/GENERAL FUND	$ 163,937,599

PART 2. HIGHWAY FUND APPROPRIATIONS

CURRENT OPERATIONS/HIGHWAY FUND

Sec. 4. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the fiscal year ending June 30, 1993, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the Highway Fund for these purposes for the 1992-93 fiscal year. Amounts set out in brackets are reductions from Highway Fund appropriations for the 1992-93 fiscal year.

Current Operations-Highway Fund	1992-93
Department of Transportation	
01. Administration	$ 3,694,922
02. Division of Highways	
a. State Construction	
(01) Secondary Construction	446,402
(02) Urban Construction	(1,000,000)
(03) Spot Safety Improvements	(2,000,000)
b. State Funds to Match Federal Highway Aid	
(01) Construction	(18,000,000)
c. State Maintenance	
(01) Secondary	(559,204)
(02) Contract Resurfacing	(15,000,000)
d. Ferry Operations	(1,000,000)

03.	Division of Motor Vehicles	4,252,600
04.	State Aid to Municipalities	446,402
05.	Salary Adjustments for Highway Fund Employees	(59,344)
06.	Reserve to Continue DOT Merit Salary Increases	(86,143)
07.	Reserve for Salary Increases	7,045,254
08.	Reserve for State Employee Health Benefit Plan	(2,675,722)
09.	Transfer to General Fund for Reimbursement for Sales Tax Exemption	700,000
10.	Reserve for Air Cargo	2,500,000
Appropriations for Other State Agencies		
01.	Crime Control and Public Safety	(603,913)
02.	Revenue	86,968
03.	Environment, Health, and natural Resources	(86,968)
GRAND TOTAL CURRENT OPERATIONS/HIGHWAY FUND		$ (21,898,746)

PART 3. HIGHWAY TRUST FUND

Sec. 5. Appropriations from the Highway Trust Fund are made for the fiscal year ending June 30, 1993, according to the schedule that follows. The amounts set out in this schedule are in addition to other appropriations from the Highway Trust Fund for these purposes for the 1992-93 fiscal year. Amounts set out in brackets are reductions from Highway Trust Fund appropriations for the 1992-93 fiscal year.

		1992-93
01.	Intrastate System	$ 2,800,081
02.	Secondary Road Construction	1,113,365
03.	Urban Loops	1,207,661
04.	State Aid-Municipalities	313,365
05.	Program Administration	(434,472)
GRAND TOTAL CURRENT OPERATIONS/ HIGHWAY TRUST FUND		$ 5,000,000

PART 4. BLOCK GRANT APPROPRIATIONS

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Ethridge, H. Hunter

BLOCK GRANT PROVISIONS

Sec. 6. (a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 1993, according to the following schedule:

PREVENTIVE HEALTH BLOCK GRANT		
01.	Emergency Medical Services	$ 245,652
02.	Basic Public Health Services	925,542
03.	Hypertension Programs	590,230
04.	Statewide Health Promotion Programs	1,929,576
05.	Fluoridation of Water Supplies	228,404
06.	Rape Prevention and Rape Crisis Programs	91,269
07.	AIDS/HIV Education, Counseling, and Testing	290,577
08.	Office of Minority Health and Minority Health Council	190,000
TOTAL PREVENTIVE HEALTH BLOCK GRANT		$ 4,491,250.

(b) Decreases in Federal Fund Availability

If federal funds are reduced below the amounts specified above after the effective date of this act, then every program in the federal block grant listed above shall be reduced by the same percentage as the reduction in federal funds.

(c) Increases in Federal Fund Availability

Any block grant funds appropriated by the United States Congress in addition to the funds specified in this act shall be expended as follows:

(1) For the Preventive Health Block Grant — additional funds shall be allocated to support the Statewide Health Promotion Programs.

PART 5. GENERAL PROVISIONS

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

CONTINGENCY AND EMERGENCY FUND CORRECTION

Sec. 7. Section 8 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 8. Of the funds appropriated in this Title to the Contingency and Emergency Fund, ~~$900,000~~ nine hundred thousand dollars ($900,000) for the 1991-92 fiscal year and ~~$900,000~~ nine hundred thousand dollars ($900,000) for the 1992-93 fiscal year shall be designated for emergency allocations, which are for the purposes outlined in ~~G.S. 143-23(a1).~~ G.S. 143-23(a1)(3), (4), and (5). ~~$225,000~~ Two hundred twenty-five thousand dollars ($225,000) for the 1991-92 fiscal year and ~~$225,000~~ two hundred twenty-five thousand dollars ($225,000) for the 1992-93 fiscal year shall be designated for other allocations from the Contingency and Emergency Fund."

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

BLOCK GRANT PLANS

Sec. 8. G.S. 143-16.1 reads as rewritten:

"**§ 143-16.1. Federal funds.**

(a) All federal funds shall be expended and reported in accordance with provisions of the Executive Budget Act, except as otherwise provided by law. Proposed budgets recommended to the General Assembly by the Governor and Advisory Budget Commission shall include information concerning the federal expenditures in State agencies, departments and institutions in the same manner as State funds. The Director of the Budget may adopt rules and regulations establishing uniform planning, budgeting and fiscal procedures, not inconsistent with federal law, that ensure that all federal funds shall be expended in a standardized manner. The function of the Advisory Budget Commission under this section applies only if the Director of the Budget consults with the Commission in preparation of the budget.

(b) The Secretary of each State agency that receives and administers federal Block Grant funds shall prepare and submit the agency's Block Grant plans to the Fiscal Research Division of the General Assembly not later than April 20 of each fiscal year. The agency shall submit a separate Block Grant plan for each Block Grant received and administered by the agency, and each plan shall include, but not be limited to, the following:

(1) A delineation of the proposed dollar amount allocations by activity and by category, including dollar amounts to be used for administrative costs; and

(2) A comparison of the proposed funding with two prior years' program budgets.

The Director of the Budget shall review for accuracy, consistency, and uniformity each State agency's Block Grant plans prior to submission of the plans to the General Assembly."

PART 6. BUDGET CLARIFICATION PROVISIONS

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

ADDITIONAL BUDGET REPORTING REQUIREMENTS

Sec. 9. (a) Effective July 1, 1992, G.S. 143-23(a1), as rewritten by Section 6(c) of Chapter 812 of the 1991 Session Laws, reads as rewritten:

" (a1) No transfers may be made between objects or line items in the budget of any department, institution, or other spending agency; however, with the approval of the Director of the Budget, a department, institution, or other spending agency may spend more than was appropriated for an object or line item if the overexpenditure is:

(1) In a purpose or program for which funds were appropriated for that fiscal period and the total amount spent for the purpose or program is no more than was appropriated for the purpose or program for the fiscal period;
(2) Required to continue a purpose or program because of unforeseen events, so long as the scope of the purpose or program is not increased;
(3) Required by a court, Industrial Commission, or administrative hearing officer's order or award or to match unanticipated federal funds;
(4) Required to respond to an unanticipated disaster such as a fire, hurricane, or tornado; or
(5) Required to call out the National Guard.

The Director of the Budget shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office the reason if the amount expended for a purpose or program is more than the amount appropriated for it from all sources. If the overexpenditure was authorized under subdivision (2) of this subsection, the Director of the Budget shall identify in the report the unforeseen event that required the overexpenditure.

Funds appropriated for salaries and wages are also subject to the limitation that they may only be used for (i) salaries and wages or for premium pay, overtime pay, longevity, unemployment compensation, workers' compensation, temporary wages, contracted personal services, moving expenses, payment of accumulated annual leave, certain awards to employees, tort claims, and employer's social security, retirement, and hospitalization payments; or (ii) uses for which over expenditures are permitted by subdivisions (3), (4), and (5) of this subsection but the Director of the Budget shall include such use and the reason for it in his quarterly report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office.

Lapsed salary funds that become available from vacant positions are also subject to the limitation that they may not be used for new permanent employee positions or to raise the salary of existing employees.

The requirements in this section that the Director of the Budget report to the Joint Legislative Commission on Governmental Operations shall not apply to expenditures of receipts by entities that are wholly receipt supported, except for entities supported by the Wildlife Resources Fund."

(b) The Director of the Budget shall report on a quarterly basis to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office on:

(1) All employee positions that were abolished that resulted or will result in the generation of salary reserves;
(2) All promotions, reclassifications, and salary range revisions, of greater than ten percent (10%), that will be funded with salary reserves; and
(3) All new positions created that will be funded with salary reserves.

This section does not apply to actions taken regarding employees of The University of North Carolina.

PART 7. OFFICE OF STATE BUDGET AND MANAGEMENT

Requested by: Senator Martin of Guilford,
Representatives Grady, Bowman, N.J. Crawford

ONSLOW MUSEUM FUNDS/NEW PURPOSE

Sec. 10. Funds appropriated in Section 2 of Chapter 830 of the 1987 Session Laws to the Office of State Budget and Management for a grant-in-aid to the Onslow County Commissioners to assist in relocating the Onslow County Museum from Richlands to Jacksonville may be used by the Onslow County Commissioners for construction of new museum facilities in Richlands.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont, Hackney

SAVINGS RESERVE ACCOUNT TECHNICAL CHANGE

Sec. 11. G.S. 143-15.3(b), as rewritten by Section 7(b) of Chapter 812, 1991 Session Laws, reads as rewritten:

"(b) The Director may not use funds in the Savings Reserve Account unless the use has been approved by an act of the General Assembly. It is the intent of the General Assembly that in future sessions, as funds are available, it will reduce and then eliminate the State's liability for payroll deferrals for State employees and community college employees and for the deferral of the twelfth month of teacher payroll. These actions will bring the State into closer conformity with the GAAP."

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

BUDGET REFORM STATEMENTS

Sec. 12. The General Fund appropriations availability upon which the modifications contained in this act to the General Fund budget for the 1992-93 fiscal year are based is $163,950,000. This amount is comprised of the following components:

(1) $151,500,000 - revised revenue growth for the 1992-93 fiscal year that was not appropriated by the 1991 Session of the 1991 General Assembly.
(2) $1,200,000 - part of the estimated credit balance on June 30, 1992.
(3) $6,400,000 - fee increases for the General Court of Justice contained in Chapter 811 of the 1991 Session Laws.
(4) $1,200,000 - increase in the Insurance Assessment Fee rate contained in Chapter 811 of the 1991 Session Laws.
(5) $3,400,000 - funds generated in Sections 20, 23, and 24 of this act.
(6) $250,000 - increased non-tax revenues from investment earnings to support the Investment Division of the Department of State Treasurer.

Requested by: Senators Perdue, Martin of Guilford,
Representatives Bowman, N.J. Crawford

LIMITATION ON THE SALE OR EXCHANGE OF PROPERTY

Sec. 13. (a) Notwithstanding the provisions of Chapter 146 of the General Statutes, the tract of State-owned land known as the Old Health Farm Property, comprised of approximately 260.86 acres located adjacent to East Chatham Street in Cary, Wake County, shall not be exchanged or traded for other land, or interest therein, before July 1, 1993, nor may any contract or option for exchange or trade of such land be entered into before that date.

(b) Notwithstanding the provisions of Parts 10 or 11 of Article 10 of Chapter 143B of the General Statutes, or any other provision of law, no real property or any estate or interest in real property consisting of railroad right-of-way or used for railroad purposes located in Carteret County may be:

(1) Sold;
(2) Contracted for sale;
(3) Subjected to any option for sale;
(4) Abandoned; or
(5) Otherwise disposed of

before July 1, 1993, by the State of North Carolina or any State agency, authority, board, or commission. This subsection is effective upon ratification.

(c) Notwithstanding the provisions of Parts 10 or 11 of Article 10 of Chapter 143B of the General Statutes, or any other provision of law, no real property or any estate or interest in real property consisting of railroad right-of-way or used for railroad purposes may be:

(1) Sold;
(2) Contracted for sale;
(3) Subjected to any option for sale;
(4) Abandoned; or
(5) Otherwise disposed of

before July 1, 1993, by any company or corporation in which the State of North Carolina or any State board, agency, or commission owns one hundred percent (100%) of the voting stock. This subsection is effective upon ratification.

(d) This section is effective upon ratification.

Requested by: Senators Royall, Martin of Guilford, Goldston,
Representatives Bowman, N.J. Crawford, McLaughlin, Holt

STATE INFORMATION MANAGEMENT TECHNOLOGY

Sec. 14. (a) G.S. 143B-426.21 reads as rewritten:

~~"§ 143B-426.21. Information Technology Commission.~~

~~(a) Creation; Membership. — The Information Technology Commission is created in the Office of the State Controller. The Commission consists of the following members:~~

~~(1) Ex officio members: the Governor, Lieutenant Governor, Secretary of the Department of Administration, State Budget Officer, State Auditor, State Treasurer, Secretary of State, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, Commissioner of Insurance, State President of the Department of Community Colleges, Chair of the Governor's Committee on Data Processing and Information Systems, Chair of the State Information Processing Services Advisory Board, and the Legislative Services Officer or his designee.~~

~~(2) Other members: one citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and one citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. The two initial members appointed by the General Assembly shall each serve a term beginning on the 60th day following June 6, 1989, and expiring on June 30, 1993. Thereafter, their successors shall be appointed for four-year terms, commencing July 1. Vacancies in the two legislative appointments shall be filled as provided in G.S. 120-122.~~

~~Members of the Commission shall not be employed by nor serve on the board of directors or other corporate governing body of any information systems, computer hardware, computer software, or telecommunications vendor of goods and services to the State of North Carolina.~~

~~The Governor shall chair the Commission and the Secretary of Administration shall be secretary to the Commission. The Commission shall meet at the call of the chairman or at the request of a majority of its members. The Office of the State Controller shall provide staff support and other services required by the Commission.~~

~~(b) Powers and Duties. — The Commission has the following powers and duties:~~

~~(1) To approve or disapprove proposals by the State Information Processing Services under G.S. 143B-426.40;~~

~~(2) To obtain information relevant to the decisions required of the Commission under G.S. 143B-426.40 from the affected departments; and~~

~~(3) To develop a comprehensive plan, covering the current and following biennium, for the acquisition and use of information technology resources in the affected departments, which shall be updated annually and shall be submitted to the General Assembly on the first day of each regular session.~~

§ 143B-426.21. Information Resource Management Commission.

(a) Creation; Membership. — The Information Resource Management Commission is created in the Office of the State Controller. The Commission consists of the following members:

(1) Four members of the Council of State, appointed by the Governor.

(2) The Secretary of Administration.

(3) The State Budget Officer.

(4) Two members of the Governor's cabinet, appointed by the Governor.

(5) One citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(6) One citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(7) The Chair of the Governor's Committee on Data Processing and Information Systems.

(8) The Chair of the State Information Processing Services Advisory Board.

Members of the Commission shall not be employed by or serve on the board of directors or other corporate governing body of any information systems, computer hardware, computer software, or telecommunications vendor of goods and services to the State of North Carolina.

The two initial cabinet members appointed by the Governor and the two initial citizen members appointed by the General Assembly shall each serve a term beginning September 1, 1992, and expiring on June 30, 1995. Thereafter, their successors shall be appointed for four-year terms, commencing July 1. Members of the Governor's cabinet shall be disqualified from completing a term of service of the Commission if they are no longer cabinet members.

The appointees by the Governor from the Council of State shall each serve a term beginning on September 1, 1992, and expiring on June 30, 1993. Thereafter, their successors shall be appointed for four-year terms, commencing July 1. Members of the Council of State shall be disqualified from completing a term of service on the Commission if they are no longer members of the Council of State.

Vacancies in the two legislative appointments shall be filled as provided in G.S. 120-122.

The Commission chair shall be elected in the first meeting of each calendar year from among the appointees of the Governor from the Council of State and shall serve a term of one year. The Secretary of Administration shall be secretary to the Commission.

No member of the Information Resource Management Commission shall vote on an action affecting solely his or her own State agency.

(b) Powers and Duties. — The Commission has the following powers and duties:

(1) To develop, approve, and publish a statewide information technology strategy covering the current and following biennium that shall be updated annually and shall be submitted to the General Assembly on the first day of each regular session.

(2) To develop, approve, and sponsor statewide technology initiatives and to report on those initiatives in the annual update of the statewide information technology strategy.

(3) To review and approve biennially the information technology plans of the executive agencies, including their plans for the procurement and use of personal computers and workstations.

(4) To recommend to the Governor and the Office of State Budget and Management the relative priorities across executive agency information technology plans.

(5) To establish a quality assurance policy for all agency information technology projects, information systems training programs, and information systems documentation.

(6) To establish and enforce a quality review and expenditure review procedure for major agency information technology projects.

(7) To review and approve expenditures from appropriations made to the Office of State Budget and Management for the purpose of creating a Computer Reserve Fund.

(8) To develop and promote a policy and procedures for the fair and competitive procurement of information technology consistent with the rules of the Department of Administration and consistent with published industry standards for open systems that provide agencies with a vendor-neutral operating environment where different information technology hardware, software, and networks operate together easily and reliably.

(c) Meetings. — The Information Resources Management Commission shall adopt bylaws containing rules governing its meeting procedures. The Information Resources Management Commission shall meet at least monthly."

(b) Of the funds appropriated from the General Fund to the Office of State Controller for the 1992-93 fiscal year, the sum of two million two hundred thousand dollars ($2,200,000) shall be used for the purpose of continuing development and implementation of the new State Accounting System. No expenditure shall be made from this fund by the Office of State Controller until the Information Resource Management Commission created in subsection (a) of this section has reviewed and approved the Office of State Controller's design, implementation strategy, and expenditure plan for the State Accounting System. The Information Resource Management Commission shall report the results of its review and the rationale for its approval of the expenditure to the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division, and the State Government Performance Audit Committee. The Information Resource Management Commission shall apply its quality assurance policy and quality review procedures to the Office of State Controller's State Accounting System project.

(c) Of the funds appropriated from the Highway Fund to the Department of Transportation for the 1992-93 fiscal year, the sum of two million nine hundred forty-four thousand nine hundred twenty-two dollars ($2,944,922) shall be used for the purpose of continuing development and implementation of the Department's Financial Accounting and Reporting System. No expenditure shall be made from this fund by the Department of Transportation until the Information Resource Management Commission created in subsection (a) of this section has reviewed and approved the Department of Transportation's design, implementation strategy, and expenditure plan for its portion of the State Accounting System and all other components of the Department's Financial Accounting and Reporting System. The Information Resource Management Commission shall report the results of its review and the rationale for its approval of the expenditure to the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division, and the State Government Performance Audit Committee. The Information Resource Management Commission shall apply its quality assurance policy and quality review procedures to the Department of Transportation's Financial Accounting and Reporting System.

In any contract entered into between the Department of Transportation and any vendor or consultant for services involving the design, development, programming,

installation, or maintenance of financial management information systems in the Department of Transportation and in any contract entered into between the Office of State Controller and any vendor or consultant for services involving the design, development, programming, installation, or maintenance of financial management information systems in the Department of Transportation, there shall be specific performance, testing, and acceptance criteria that the vendor must meet and a deadline for meeting those criteria. The State's contract administrator shall make no payment for work done on the contract until the contract administrator has completed a testing and acceptance review of the contract's deliverables and certified that the services provided meet the criteria. In the event the service provided does not meet the contract specifications at the time of the due date for the deliverables, the contractor shall be liable for consequential damages and other remedies. The Department shall not issue to the contractor any waiver of consequential damages resulting from the contractor's failure to deliver services and products that meet the contract administrator's performance, testing, and acceptance criteria at the time of the due date for the deliverables.

In issuing any contract, whether through competitive bid or through waiver of competitive bid, entered into between the Department of Transportation and any vendor or consultant for services involving the design, development, programming, installation, or maintenance of financial management information systems in the Department of Transportation, the Department of Transportation shall require a performance bond or another performance guarantee up to the full amount of the contract.

(d) Of the funds appropriated from the Highway Fund to the Department of Transportation for the 1992-93 fiscal year, the sum of two million nine hundred forty-eight thousand six hundred dollars ($2,948,600) shall be used for the purpose of designing, developing, testing, and implementing a drivers' license computer system. The Information Resource Management Commission created by this section shall review the Department of Transportation's design, implementation strategy, and expenditure plan for the drivers' license computer system and shall report the results of its review to the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division, and the Government Performance Audit Committee. The Information Resource Management Commission shall apply its quality assurance policy and quality review procedures to the Department of Transportation's drivers license computer system.

(e) Executive agencies shall not, before October 1, 1992, spend funds to design, develop, or implement mainframe agency computing systems separate from the mainframe computer system operated by the State Information Processing Services without prior approval of the Information Resource Management Commission. The Commission shall submit a report of the action to a meeting of the Joint Legislative Commission on Governmental Operations.

(f) G.S. 120-123(57) reads as rewritten:

"(57) ~~The Information Technology Commission,~~ Information Resource Management Commission, as established by G.S. 143B-426.21."

(g) G.S. 143B-426.40 reads as rewritten:

"**§ 143B-426.40. State Information Processing Services.**

With respect to all executive departments and agencies of State government, except the Department of Justice and The University of North Carolina, the Office of State Controller shall have the following powers and duties:

(1) To establish and operate information resource centers and services to serve two or more departments on a cost-sharing basis, if the ~~Information Technology Commission~~ Information Resources Management Commission decides it is advisable from the standpoint of efficiency and economy to establish these centers and services;

(2) With the approval of the ~~Information Technology Commission,~~ Information Resources Management Commission, to charge each

department for which services are performed its proportionate part of the cost of maintaining and operating the shared centers and services;

(3) With the approval of the ~~Information Technology Commission,~~ Information Resources Management Commission, to require any department served to transfer to the Office of the State Controller ownership, custody, or control of information processing equipment, supplies, and positions required by the shared centers and services;

(4) With the approval of the ~~Information Technology Commission,~~ Information Resources Management Commission, to adopt reasonable rules for the efficient and economical management and operation of the shared centers, services, and the integrated State telecommunications network;

(5) With the approval of the ~~Information Technology Commission,~~ Information Resources Management Commission, to adopt plans, policies, procedures, and rules for the acquisition, management, and use of information technology resources in the departments affected by this subdivision to facilitate more efficient and economic use of information technology in these departments; and

(6) To develop and promote training programs to efficiently implement, use, and manage information technology resources.

The Department of Revenue is authorized to deviate from this subsection's requirements that departments or agencies consolidate information processing functions on equipment owned, controlled or under custody of the State Information Processing Services. All deviations from this subsection's requirements shall be reported in writing within 15 days by the Department of Revenue to the ~~Information Technology Commission~~ Information Resources Management Commission and shall be consistent with available funding. The Department of Revenue is authorized to adopt and shall adopt plans, policies, procedures, requirements and rules for the acquisition, management, and use of information processing equipment, information processing programs, data communications capabilities, and information systems personnel in the Department of Revenue. If the plans, policies, procedures, requirements, rules, or standards adopted by the Department of Revenue deviate from the policies, procedures, or guidelines adopted by the State Information Processing Services or the ~~Information Technology Commission,~~ Information Resources Management Commission, those deviations shall be allowed and shall be reported in writing within 15 days by the Department of Revenue to the ~~Information Technology Commission.~~ Information Resources Management Commission. The Department of Revenue and the State Information Processing Services shall develop data communications capabilities between the two computer centers utilizing the North Carolina Integrated Network, subject to a security review by the Secretary of Revenue.

The Department of Revenue shall prepare a plan to allow for substantial recovery and operation of major, critical computer applications. The plan shall include the names of the computer programs, databases, and data communications capabilities, identify the maximum amount of outage that can occur prior to the initiation of the plan and resumption of operation. The plan shall be consistent with commonly accepted practices for disaster recovery in the information processing industry. The plan shall be tested as soon as practical, but not later than six months, after the establishment of the Department of Revenue information processing capability.

No data of a confidential nature, as defined in the General Statutes or federal law, may be entered into or processed through any cost-sharing information resource center or network established under this subdivision until safeguards for the data's security satisfactory to the department head and the State Controller have been designed and installed and are fully operational. Nothing in this subsection may be construed to prescribe what programs to satisfy a department's objectives are to be undertaken, nor to remove from the control and administration of the departments the responsibility for

program efforts, regardless whether these efforts are specifically required by statute or are administered under the general program authority and responsibility of the department. This subdivision does not affect the provisions of G.S. 147-64.6, G.S. 147-64.7, or G.S. 143B-426.39(14). Notwithstanding any other provision of law, the Office of the State Controller shall provide information technology services on a cost-sharing basis to the General Assembly and its agencies as requested by the Legislative Services Commission."

(h) Subsections (a), (f), and (g) of this section become effective on September 1, 1992, except that appointments to the Information Resources Management Commission may be made by the General Assembly at any time after ratification of this act. The remainder of this section becomes effective July 1, 1992.

(i) This section becomes effective July 15, 1992.

PART 8. GENERAL ASSEMBLY

Requested by: Senators Martin of Guilford, Marvin, Odom,
Representatives Redwine, Anderson, Dickson

LRC LAW ENFORCEMENT COMMITTEE STUDY

Sec. 15. The Legislative Research Commission's Committee on Law Enforcement Issues may study the problem of marital rape, its status under North Carolina law, and, specifically, whether the spousal defense under G.S. 14-27.8 ought to be abolished. The Legislative Research Commission may report the findings and recommendations of the study, if undertaken, to the 1993 General Assembly.

Requested by: Senator Martin of Guilford,
Representative Nesbitt

LEGISLATIVE RESEARCH COMMISSION MEMBERS' TERMS

Sec. 16. G.S. 120-30.11 reads as rewritten:

"**§ 120-30.11. Time of appointments; terms of office.**

Appointments to the Legislative Research Commission shall be made not earlier than the close of each regular session of the General Assembly held in the odd-numbered year nor later than 15 days subsequent to the close. The term of office shall begin on the day of appointment, and shall end on ~~December 15 of the next even-numbered year. Except for the work of the Administrative Rules Review Committee, no~~ January 15 of the next odd-numbered year. No moneys appropriated to the Legislative Research Commission may be expended for meetings of the Commission, its committees or subcommittees held after ~~December 15 of the next odd-numbered year~~ January 15 of the next odd-numbered year and before the appointment of the next Legislative Research Commission."

Requested by: Senators Martin of Guilford, Daniel,
Representative Nesbitt

PERFORMANCE AUDIT STUDY CONTINUED

Sec. 17. Notwithstanding the provisions of Article 6B of Chapter 120 of the General Statutes and for the sole purpose of its advising the Legislative Services Commission on the conduct of the State government performance audit study directed by Section 347 of Chapter 689 of the 1991 Session Laws:

(1) The existence of the Legislative Research Commission's Committee on the State Government Performance Audit shall continue until March 31, 1993, when it shall terminate;

(2) Monies may be expended for the work and meetings of the Committee in reviewing and advising on the implementation and review of the State government performance audit until March 31, 1993;

(3) The present membership of the Committee shall continue in existence until that date; provided, further, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint one member of the Finance Committee of the respective body as additional members of the Committee;

(4) Vacancies in the membership of the Committee shall be filled by the original appointing authority.

Requested by: Senators Basnight, Martin of Guilford,
Representatives Bowman, N.J. Crawford

SEAFOOD AND AQUACULTURE FUNDS

Sec. 18. Of the funds appropriated to the General Assembly's Legislative Services Commission's studies reserve for the 1992-93 fiscal year, the sum of ten thousand dollars ($10,000) shall be allocated for the Joint Legislative Commission on Seafood and Aquaculture.

Requested by: Senators Perdue, Martin of Guilford,
Representatives Bowman, N.J. Crawford

STATE REAL PROPERTY TRANSFERS STUDY COMMISSION

Sec. 19. (a) There is created a State Real Property Transfers Study Commission to be composed of nine members: three Senators to be appointed by the President Pro Tempore of the Senate, three Representatives to be appointed by the Speaker of the House of Representatives, and three members to be appointed by the Governor. The appointees shall serve until the termination of the Commission. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochairman from their appointees. Either cochairman may call the first meeting of the Study Commission. Vacancies shall be filled in the same manner as the original appointments were made.

(b) The Study Commission is authorized to study all aspects of the present system of, by any means, transferring, allocating, or disposing of real property owned by the State or any of its agencies. The study shall include, but is not limited to, an examination of:

(1) The procedures involved in the transfer of any interest in state real property,
(2) The number and size of the transfers,
(3) The adequacy of safeguards to protect the State's interests, and
(4) The statutes and experience of other states in this regard.

(c) With the prior approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of the House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. With the prior approval of the Legislative Services Commission, the Study Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

(d) The Study Commission shall submit a final written report of its findings and recommendations, including legislation, on or before the convening of the 1993 Session of the General Assembly. All reports shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate.

(e) Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1;
(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6;
(3) All other Commission members, at the rate established in G.S. 138-5.

(f) There is allocated from the funds appropriated to the General Assembly's Legislative Services Commission's studies reserve to the State Real property Transfers Study Commission for its work the sum of fifteen thousand dollars ($15,000) for the 1992-93 fiscal year.

PART 9. DEPARTMENT OF REVENUE

Requested by: Senators Conder, Shaw, Martin of Guilford,
Representatives Bowman, N.J. Crawford

CONTROLLED SUBSTANCE TAX PROCEEDS

Sec. 20. (a) Of the funds in the State Controlled Substance Tax Fund created in Section 6 of Chapter 772 of the 1989 Session Laws, the sum of five hundred ninety-four thousand one hundred fifty-eight dollars ($594,158) is transferred to the General Fund for the 1992-93 fiscal year to support the cost of administering the controlled substance tax levied by Article 2D of Chapter 105 of the General Statutes. Of the remaining funds in the State Controlled Substance Tax Fund, all the funds that on July 1, 1992, are unencumbered and are not required to be remitted to law enforcement agencies pursuant to G.S. 105-113.111(b) are transferred to the General Fund. Thereafter, any funds that become unencumbered and are not required to be remitted to law enforcement agencies pursuant to G.S. 105-113.111(b) shall be transferred to the General Fund.

(b) Section 6 of Chapter 772 of the 1989 Session Laws is repealed.

(c) Article 2D of Chapter 105 of the General Statutes is amended by adding a new section to read:

"§ 105-113.113. Use of tax proceeds.

The Secretary shall credit the proceeds of the tax levied by this Article to a special nonreverting account, to be called the State Controlled Substances Tax Account, until the tax proceeds are unencumbered. Tax proceeds are unencumbered when the taxpayer no longer has a current right to challenge the assessment of the tax.

The Secretary shall, on a quarterly basis, remit the unencumbered tax proceeds as follows: seventy-five percent (75%) of the amount collected by assessment shall be remitted to the State or local law enforcement agency that conducted the investigation of a dealer that led to the assessment; and the remainder of the unencumbered tax proceeds shall be credited to the General Fund. If more than one State or local law enforcement agency conducted the investigation, the Secretary shall determine the equitable pro rata share for each agency based on the contribution each agency made to the investigation."

(d) G.S. 105-113.111 reads as rewritten:

"**§ 105-113.111. Assessments.**

~~(a)~~ Notwithstanding any other provision of law, an assessment against a dealer who possesses a controlled substance to which a stamp has not been affixed as required by this Article shall be made as provided in this section. The Secretary shall assess a tax, applicable penalties, and interest based on personal knowledge or information available to the Secretary. The Secretary shall notify the dealer in writing of the amount of the tax, penalty, and interest due, and demand its immediate payment. The notice and demand shall be either mailed to the dealer at the dealer's last known address or served on the dealer in person. If the dealer does not pay the tax, penalty, and interest immediately upon receipt of the notice and demand, the Secretary shall collect the tax, penalty, and interest pursuant to the procedure set forth in G.S. 105-241.1(g) for jeopardy assessments or the procedure set forth in G.S. 105-242, including causing execution to be issued immediately against the personal property of the dealer unless the dealer files with the Secretary a bond in the amount of the asserted liability for the tax, penalty, and interest. The Secretary shall use all means available to collect the tax, penalty, and interest from any property in which the dealer has a legal, equitable, or beneficial interest. The dealer may seek review of the assessment as provided in Article 9 of this Chapter.

~~(b) Of the monies collected pursuant to subsection (a), seventy-five percent (75%) shall be remitted to the State or local law enforcement agency that conducted the investigation of the dealer that led to the assessment under subsection (a). If more than one State or local law enforcement agency conducted the investigation, the Secretary of the Department of Revenue shall determine the equitable pro rata share for each agency based on the contribution each agency made to the investigation.~~"

(e) This section becomes effective July 1, 1992. Subsections (b) through (d) apply to taxes collected on or after that date.

Requested by Senators Shaw, Martin of Guilford,
Representatives Bowman, N.J. Crawford

ADD CONTROLLED SUBSTANCE TAX POSITIONS

Sec. 21. Of the funds appropriated to the Department of Revenue in this act, the sum of sixty-four thousand seven hundred dollars ($64,700) for the 1992-93 fiscal year shall be used to support three additional positions in the Controlled Substance Tax Section of the Department of Revenue.

PART 10. DEPARTMENT OF ADMINISTRATION

Requested by: Senator Martin of Guilford,
Representatives Bowman, N.J. Crawford

INDIAN CULTURAL CENTER

Sec. 22. (a) Of the funds appropriated to the Department of Administration in Section 3 of Chapter 689 of the 1991 Session Laws, the sum of one thousand five hundred dollars ($1,500) shall be expended for maintenance of the following State lands located in Robeson County:

(1) 386.69 acres contained in the deed dated April 14, 1983, and recorded in Deed Book 533, page 164, Robeson County Registry;
(2) 386.69 acres contained in the deed dated August 24, 1984, and recorded in Deed Book 563, page 254, Robeson County Registry;
(3) 99.62 acres contained in the deed dated March 20, 1985, and recorded in Deed Book 575, page 523, Robeson County Registry; and
(4) 10.00 acres contained in the deed dated September 11, 1985, and recorded in Deed Book 586, page 142, Robeson County Registry.

The public golf course known as the Riverside Golf Course, and any Indian Cultural Center developed or constructed on the above referenced lands shall be included in lands for which funds may be expended for maintenance under this section. No Indian Cultural Center developed or constructed on any of the above referenced lands shall be built on a public golf course, unless prior approval is granted by the General Assembly. No lease on the public golf course known as the Riverside Golf Course shall be entered into by the Department of Administration for a lease term in excess of 12 months unless prior approval is granted by the General Assembly.

Nothing in this provision shall be construed as being inconsistent with the provisions of Section 18 of Chapter 1074 of the 1989 Session Laws.

Any lease of the lands and buildings comprising the public golf course known as the Riverside Golf Course entered into by the State of North Carolina and any entity other than the North Carolina Indian Cultural Center, Inc., shall by its terms continue the use of the lands and buildings as a public golf course.

(b) The General Assembly's Legislative Research Commission Study Committee on the North Carolina Indian Cultural Center, Inc., authorized by Section 2.4 of Chapter 754 of the 1991 Session Laws, shall study provisions of the Charter of the North Carolina Indian Cultural Center, Inc., relating to membership on the organization's Board of Directors and the feasibility of the coexistence of the Riverside Golf Course and the Indian Cultural Center, and shall report its findings and recommendations to the 1993 General Assembly.

(c) The Office of the State Auditor shall conduct a financial audit of the North Carolina Indian Cultural Center, Inc., and shall report the results of the audit to the 1993 General Assembly.

(d) The Department of Administration shall complete the environmental impact assessment for which funds were appropriated under Section 18 of Chapter 1074 of the 1989 Session Laws not later than October 1, 1992.

(e) Subsection (a) of Section 18 of Chapter 1074 of the 1989 Session Laws reads as rewritten:

"(a) The State of North Carolina shall lease out to the North Carolina Indian Cultural Center, Inc., for a period of 99 years at a monetary consideration of $1.00 per year all the real property it acquired for the Indian Cultural Center, but no part of Phase I of the project may be constructed either by the State or for the lessee until an environmental impact assessment is completed on Phase I of the property, and if required pursuant to Article 1 of Chapter 113A of the General Statutes, an environmental impact statement is prepared. The State shall enter into a lease agreement in accordance with this section not later than June 30, 1993. If the State and the North Carolina Indian Cultural Center, Inc., do not enter into a lease agreement by June 30, 1993, then the property may be used for any public purpose.

Any lease agreement entered into by the State with the North Carolina Indian Cultural Center, Inc., shall include but not be limited to the following terms:

(1) An environmental impact assessment pursuant to Article 1 of Chapter 113A of the General Statutes is completed on Phase I of the property.

(2) The lease shall include a reversionary clause stipulating that the North Carolina Indian Cultural Center, Inc., must have the $4,160,000 necessary to complete Phase I of this project in their possession, unencumbered, and subject to its immediate disposal within ~~five~~ three years from the date of execution of the lease agreement.

(3) If the funds are not so possessed within ~~five~~ three years from the date of execution, then this lease agreement will automatically terminate.

(4) The North Carolina Indian Cultural Center, Inc., as lessee, may conduct no construction of Phase I on the premises until it has fulfilled the terms of the lease agreement.

(5) The North Carolina Indian Cultural Center, Inc., as lessee, shall enter into a sublease agreement with the operator of the land and buildings known as the Riverside Golf Course to continue the operation and maintenance of the Riverside Golf Course under the same terms as the lease agreement between the State and the operator of the Riverside Golf Course. The sublease agreement shall be renewable annually until such time as the terms of the lease agreement as required under subdivisions (1) through (4) of this subsection have been fulfilled."

(f) This section is effective upon ratification.

Requested by: Senator Martin of Guilford,
Representatives Bowman, N.J. Crawford

MOTOR FLEET MANAGEMENT/RETURN OF GENERAL FUND INVESTMENT

Sec. 23. On April 1, 1993, the Department of Administration shall credit to the Office of State Treasurer, Nontax Revenues, the sum of one million six hundred thousand dollars ($1,600,000). These funds represent a partial return to the General Fund of its investment of five million one hundred thousand dollars ($5,100,000) for the upgrading of the State motor fleet appropriated in Section 57 of Chapter 757 of the 1985 Session Laws.

Requested by: Senator Martin of Guilford,
Representatives Bowman, N.J. Crawford

SURPLUS PROPERTY WAREHOUSING FEES/GENERAL FUND

Sec. 24. G.S. 143-64.05 reads as rewritten:

"**§ 143-64.05. Warehousing, transfer, etc., charges.**

The State agency for surplus property may assess and collect service charges or fees for the acquisition, receipt, warehousing, distribution or transfer of any State surplus property. All receipts from the transfer or sale of surplus, obsolete, or unused equipment of State departments, institutions, and agencies, that are supported by appropriations from the General Fund, except where the receipts have been anticipated for, or budgeted against the cost of replacements, ~~shall be placed by the Secretary in an equipment reserve~~

~~fund from which expenditures may be made only with prior approval of the Director of the Budget. Prior to taking any action under this section concerning expenditures from the equipment reserve fund, the Secretary shall consult with the Advisory Budget Commission and the Joint Legislative Commission on Governmental Operations.~~ shall be credited by the Secretary to the Office of State Treasurer, Nontax Revenues."

Requested by: Senator Martin of Guilford,
Representatives Bowman, N.J. Crawford

AGENCY FOR PUBLIC TELECOMMUNICATIONS BUDGET CODE

Sec. 25. Effective July 1, 1992, the program-generated receipts of and appropriations to the Agency for Public Telecommunications shall be accounted for within a single General Fund purpose code.

Requested by: Senator Martin of Guilford,
Representatives Bowman, N.J. Crawford

AQUARIUM SOCIETY LEASE EXEMPTION

Sec. 26. The Department of Administration may enter into leases with the North Carolina Aquarium Society, a nonprofit corporation whose sole purpose is to assist financially the three State supported aquariums. Any leases entered into pursuant to this section are exempt from the provisions of G.S. 146-29.1.

PART 11. DEPARTMENT OF INSURANCE

Requested by: Senator Martin of Guilford,
Representatives Bowman, N.J. Crawford

DATA FROM HEALTH CARE PROVIDERS

Sec. 27. G.S. 131E-212(b)(9) reads as rewritten:

"(9) The Commission shall implement plans for the submission of data from all health care providers beginning with the free-standing ambulatory surgery ~~centers.~~ centers, subject to the availability of funds appropriated for this purpose by the General Assembly."

PART 12. DEPARTMENT OF SECRETARY OF STATE

Requested by: Senator Martin of Guilford,
Representatives Bowman, N.J. Crawford

SECRETARY OF STATE COMPUTER SYSTEM RENOVATION

Sec. 28. (a) Effective July 1, 1992, through June 30, 1993, notwithstanding the provisions of G.S. 143-16.3, the Office of State Budget and Management may transfer up to one hundred thousand dollars ($100,000) in the 1992-93 fiscal year from the Reserve for Data Processing to the Corporations Division of the Department of the Secretary of State for program development and ongoing program support of the computer system.

(b) This section does not apply to allow expenditure for Voice Mail Programming.

PART 13. SALARIES AND BENEFITS

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

SALARY-RELATED CONTRIBUTIONS/EMPLOYERS

Sec. 29. Section 188(c) of Chapter 689 of the 1991 Session Laws, as amended by Section 5 of Chapter 812 of the 1991 Session Laws, reads as rewritten:

"(c) Effective July 1, 1992, the State's employer contribution rates budgeted for retirement and related benefits as a percentage of covered salaries for the 1992-93 fiscal year are (i) ten and ninety-three hundredths percent (10.93%) - Teachers and State Employees; (ii) fifteen and ninety-three hundredths percent (15.93%) - State Law Enforcement Officers; (iii) eight and ~~sixty-six~~ eighty-eight hundredths percent ~~(8.66%)~~ (8.88%) - University Employees' Optional Retirement Program; (iv) twenty-six and

three hundredths percent (26.03%) - Consolidated Judicial Retirement System; and (v) thirty-two and thirty hundredths percent (32.30%) - Legislative Retirement System. Each of the foregoing contribution rates includes two percent (2%) for hospital and medical benefits. The rate for State Law Enforcement Officers includes five percent (5%) for the Supplemental Retirement Income Plan. The rates for Teachers and State Employees, State Law Enforcement Officers, and for the University Employees' Optional Retirement Program includes forty-two hundredths percent (0.42%) for the Disability Income Plan."

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

IMPLEMENTATION OF THE TEACHER SALARY SCHEDULE AND PROVIDE A RAISE TO ALL OTHER STATE EMPLOYEES.

INTRODUCTION

Sec. 30. In 1989, the General Assembly began the process of implementing a rational and equitable pay schedule for public school teachers. The General Assembly anticipated completing the implementation of the salary schedule during the 1991-92 fiscal year but was unable to do so because of severe budgetary constraints.

Sound personnel policy makes it imperative that the General Assembly complete the implementation of the teacher salary schedule during the 1992-93 fiscal year. When the teacher salary schedule is fully implemented, each teacher will be paid based on teaching experience.

Since the 1965-66 fiscal year, only two of the pay raises granted by the General Assembly to State employees have included a lump-sum amount for each State employee. By consistently giving State employees percentage pay increases instead of lump-sum increases, the General Assembly has created an enormous discrepancy between the upper and lower end of the State employee salary schedule. State employees at the lower end of the salary schedule are experiencing great financial difficulties because of the condition of the economy and the cost of living. A lump-sum salary increase will, on a percentage basis, benefit most the employees at the lower end of the salary schedule and will slightly reduce the percentage gap between the upper and lower ends of the salary schedule.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

APPROPRIATIONS

Sec. 31. (a) Of the funds appropriated from the General Fund to the Reserve for Salary Increases, the sum of sixty-two million nine hundred fifty-six thousand eight hundred seventy dollars ($62,956,870) for the 1992-93 fiscal year shall be used to provide raises for State employees and school personnel other than teachers.

(b) Of the funds appropriated from the Highway Fund to the Reserve for Salary Increases, the sum of six million seven hundred twenty-five thousand two hundred fifty-four dollars ($6,725,254) for the 1992-93 fiscal year shall be used to provide raises for State employees.

(c) Of the funds appropriated from the General Fund to the Reserve for Salary Increases, the sum of forty-eight million seventy thousand dollars ($48,070,000) for the 1992-93 fiscal year shall be used to implement the teacher salary schedule provided in Section 72 of this act. This is the equivalent of two percent (2%) of teacher payroll.

(d) Of the funds appropriated from the Highway Fund to the Reserve for Salary Increases, the sum of three hundred twenty thousand dollars ($320,000) for the 1992-93 fiscal year shall be used to implement the teacher salary schedule provided in Section 72 of this act. This is the equivalent of two percent (2%) of teacher payroll.

(e) Of the funds appropriated from the General Fund to the Reserve for Salary Increases, the sum of four million one hundred thirteen thousand two hundred fifty-eight dollars ($4,113,258) shall be used to implement salary increases for employees in locally operated State-funded programs as provided in Section 55 of this act.

Requested by: Senator Winner

GOVERNOR'S SALARY INCREASE

Sec. 32. (a) G.S. 147-11(a) reads as rewritten:

"(a) The salary of the Governor shall be ~~one hundred twenty-three thousand three hundred dollars ($123,300)~~ one hundred twenty-three thousand eight hundred twenty-two dollars ($123,822) annually, payable monthly."

(b) Effective January 1, 1993, G.S. 147-11(a), as rewritten by subsection (a) of this section, reads as rewritten:

"(a) The salary of the Governor shall be ~~one hundred twenty-three thousand eight hundred twenty-two dollars ($123,822)~~ ninety-one thousand nine hundred thirty-eight dollars ($91,938) annually, payable monthly."

Requested by: Senator Basnight,
Representatives Nesbitt, Diamont

COUNCIL OF STATE/SALARY INCREASE

Sec. 33. The annual salaries for members of the Council of State, payable monthly, for the 1992-93 fiscal year are:

Council of State	1992-93
Lieutenant Governor	$75,774
Attorney General	75,774
Secretary of State	75,774
State Treasurer	75,774
State Auditor	75,774
Superintendent of Public Instruction	75,774
Agriculture Commissioner	75,774
Insurance Commissioner	75,774
Labor Commissioner	75,774.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

NONELECTED DEPARTMENT HEAD/SALARY INCREASES

Sec. 34. In accordance with G.S. 143B-9, the maximum annual salaries, payable monthly, for the nonelected heads of the principal State departments for the 1992-93 fiscal year are:

Nonelected Department Heads	1992-93
Secretary of Administration	$75,774
Secretary of Correction	75,774
Secretary of Crime Control and Public Safety	75,774
Secretary of Cultural Resources	75,774
Secretary of Economic and Community Development	75,774
Secretary of Environment, Health, and Natural Resources	75,774
Secretary of Human Resources	75,774
Secretary of Revenue	75,774
Secretary of Transportation	75,774.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

LEGISLATORS/SALARY AND EXPENSES INCREASE

Sec. 35. Effective upon convening of the 1993 Regular Session of the General Assembly, G.S. 120-3 reads as rewritten:

"**§ 120-3. Pay of members and officers of the General Assembly.**

(a) The Speaker of the House shall be paid an annual salary of ~~thirty-five thousand one hundred dollars ($35,100),~~ thirty-five thousand six hundred twenty-two dollars ($35,622), payable monthly, and an expense allowance of one thousand three hundred twenty dollars ($1,320) per month. The President Pro Tempore of the Senate shall be paid an annual salary of ~~thirty-five thousand one hundred dollars ($35,100),~~ thirty-five

thousand six hundred twenty-two dollars ($35,622), payable monthly, and an expense allowance of one thousand three hundred twenty dollars ($1,320) per month. The Speaker Pro Tempore of the House shall be paid an annual salary of ~~nineteen thousand seven hundred seventy-six dollars ($19,776),~~ twenty thousand two hundred ninety-eight dollars ($20,298), payable monthly, and an expense allowance of seven hundred eighty dollars ($780.00) per month. the Deputy President Pro Tempore of the Senate shall be paid an annual salary of ~~nineteen thousand seven hundred seventy-six dollars ($19,776),~~ twenty thousand two hundred ninety-eight dollars ($20,298), payable monthly, and an expense allowance of seven hundred eighty dollars ($780.00) per month. The majority and minority leaders in the House and the majority and minority leaders in the Senate shall be paid an annual salary of ~~fifteen thousand three hundred ninety-six dollars ($15,396),~~ fifteen thousand nine hundred eighteen dollars ($15,918), payable monthly, and an expense allowance of six hundred twenty-two dollars ($622.00) per month.

(b) Every other member of the General Assembly shall receive increases in annual salary only to the extent of and in the amounts equal to the average increases received by employees of the State, effective upon convening of the next Regular Session of the General Assembly after enactment of these increased amounts. Accordingly, upon convening of the 1991 1993 Regular Session of the General Assembly, every other member of the General Assembly shall be paid an annual salary of ~~twelve thousand five hundred four dollars ($12,504),~~ thirteen thousand twenty-six dollars ($13,026), payable monthly, and an expense allowance of five hundred twenty-two dollars ($522.00) per month.

(c) The salary and expense allowances provided in this section are in addition to any per diem compensation and any subsistence and travel allowance authorized by any other law with respect to any regular or extra session of the General Assembly, and service on any State board, agency, commission, standing committee and study commission."

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

GENERAL ASSEMBLY PRINCIPAL CLERKS/SALARY INCREASES

Sec. 36. G.S. 120-37(c) reads as rewritten:

"(c) The principal clerks shall be full-time officers. Each principal clerk shall be entitled to other benefits available to permanent legislative employees and shall be paid an annual salary of ~~forty-three thousand five hundred forty-eight dollars ($43,548) from July 1, 1989 through June 30, 1990, and an annual salary of forty-six thousand one hundred sixty-four dollars ($46,164) on and after July 1, 1990,~~ forty-six thousand six hundred eighty-six dollars ($46,686), payable monthly. The Legislative Services Commission shall review the salary of the principal clerks prior to submission of the proposed operating budget of the General Assembly to the Governor and Advisory Budget Commission and shall make appropriate recommendations for changes in those salaries. Any changes enacted by the General Assembly shall be by amendment to this paragraph."

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

SERGEANT-AT-ARMS AND READING CLERKS/SALARY INCREASES

Sec. 37. G.S. 120-37(b) reads as rewritten:

"(b) The sergeant-at-arms and the reading clerk in each house shall be paid a salary of ~~one hundred ninety-seven dollars ($197.00) per week from July 1, 1989 through June 30, 1990, and two hundred nine dollars ($209.00) per week on and after July 1, 1990,~~ two hundred nineteen dollars ($219.00) per week, plus subsistence at the same daily rate provided for members of the General Assembly, plus mileage at the rate provided for members of the General Assembly for one round trip only from their homes to Raleigh and return. The sergeants-at-arms shall serve during sessions of the General Assembly and at such time prior to the convening of, and subsequent to adjournment or recess of,

sessions as may be authorized by the Legislative Services Commission. The reading clerks shall serve during sessions only."

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

LEGISLATIVE EMPLOYEES/SALARY INCREASES

Sec. 38. The Legislative Administrative Officer may increase the salaries of nonelected employees of the General Assembly in effect for fiscal year 1991-92 by forty-three dollars and fifty cents ($43.50) per month. Nothing in this act limits any of the provisions of G.S. 120-32.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

JUDICIAL BRANCH OFFICIALS/SALARY INCREASE

Sec. 39. (a) The annual salaries, payable monthly, for specified judicial branch officials for fiscal year 1992-93 are:

Judicial Branch Officials	1992-93
Chief Justice, Supreme Court	$91,938
Associate Justice, Supreme Court	90,054
Chief Judge, Court of Appeals	87,186
Judge, Court of Appeals	85,290
Judge, Senior Regular Resident Superior Court	78,258
Judge, Superior Court	75,774
Chief Judge, District Court	66,918
Judge, District Court	64,386
District Attorney	70,554
Assistant District Attorney - an average of	45,822
Administrative Officer of the Courts	78,258
Assistant Administrative Officer of the Courts	63,882
Public Defender	70,554
Assistant Public Defender - an average of	45,822.

If an acting senior regular resident superior court judge is appointed under the provisions of G.S. 7A-41, he shall receive the salary for Judge, Senior Regular Resident, Superior Court, until his temporary appointment is vacated, and the judge he replaces shall receive the salary indicated for Judge, Superior Court.

The district attorney or public defender of a judicial district, with the approval of the Administrative Officer of the Courts, shall set the salaries of assistant district attorneys or assistant public defenders, respectively, in that district such that the average salaries of assistant district attorneys or assistant public defenders in that district do not exceed forty-five thousand eight hundred twenty-two dollars ($45,822), and the minimum salary of any assistant district attorney or assistant public defender is at least twenty-three thousand three hundred ninety-four dollars ($23,394) effective July 1, 1992.

(b) The salaries in effect for fiscal year 1991-92 for permanent, full-time employees of the Judicial Department, except for those whose salaries are itemized in this act, shall be increased by forty-three dollars and fifty cents ($43.50) per month, commencing July 1, 1992.

(c) The salaries in effect for fiscal year 1991-92 for all permanent, part-time employees of the Judicial Department shall be increased on and after July 1, 1992, by pro rata amounts of the forty-three dollars and fifty cents ($43.50) per month.

Requested by: Senators Marvin, Parnell,
Representatives Nesbitt, Diamont

CLERK OF SUPERIOR COURT SALARY DETERMINATION/INCREASE

Sec. 40. G.S. 7A-101 reads as rewritten:

"§ 7A-101. Compensation.

(a) The clerk of superior court is a full-time employee of the State and shall receive an annual salary, payable in equal monthly installments, ~~based on the population of the county, as determined by the population projections of the Office of State Budget and Management for the year preceding the first year of each biennial budget,~~ based on the population of the county as determined in subsection (a1) of this section, according to the following schedule:

Population	Annual Salary		
	~~1989-90~~	~~1990-91~~	1992-93
Less than ~~99,999~~ 100,000	~~$ 44,256~~	~~46,920~~	$47,442
100,000 to 199,999	~~50,016~~	~~53,028~~	53,550
200,000 and above	~~57,072~~	~~60,504~~	61,026.

When a county changes from one population group to another, the salary of the clerk shall be ~~changed~~ changed, on July 1 of the fiscal year for which the change is reported, to the salary appropriate for the new population ~~group on July 1 of the first year of each biennial budget,~~ group, except that the salary of an incumbent clerk shall not be decreased by any change in population group during his continuance in office.

(a1) For purposes of subsection (a) of this section, the population of a county for any fiscal year shall be the population for the beginning of that fiscal year as reported by the Office of State Planning to the Administrative Office of the Courts prior to the beginning of that fiscal year.

(b) The clerk shall receive no fees or commission by virtue of his office. The salary set forth in this section is the clerk's sole official compensation, but if, on June 30, 1975, the salary of a particular clerk, by reason of previous but no longer authorized merit increments, is higher than that set forth in the table, that higher salary shall not be reduced during his continuance in office.

(c) In lieu of merit and other increment raises paid to regular State employees, a clerk of superior court shall receive as longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Budget Appropriation Act payable monthly after five years of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of service. Service shall mean service in the elective position of clerk of superior court, as an assistant clerk of court and as a supervisor of clerks of superior court with the Administrative Office of the Courts and shall not include service as a deputy or acting clerk. Service shall also mean service as a justice or judge of the General Court of Justice or as a district attorney."

Requested by: Senator Cochrane,
Representatives Nesbitt, Diamont

MAGISTRATES' SERVICE PAY

Sec. 41. G.S. 7A-171.1(4) reads as rewritten:

"(4) Notwithstanding any other provision of this section, a magistrate with 10 years' experience within the last 12 years as a sheriff or deputy sheriff, administrative officer for a district attorney, city or county police officer, campus police officer, wildlife officer, or highway patrolman in the State of North Carolina, or with 20 years' experience as a sheriff or deputy sheriff, city or county police officer, campus police officer, wildlife officer, or highway patrolman in the State of North Carolina, or with 10 years' experience within the last 12 years as clerk of superior court or an assistant or deputy clerk of court in the State of North Carolina shall receive the annual salary provided in the table in subdivision (1) for a magistrate with five years

of service in addition to those the magistrate has served. A magistrate who qualifies for the increased salary under both subdivisions (3) and (4) of this subsection shall receive either the salary determined under subdivision (3) or that determined under subdivision (4), whichever is higher, but no more."

ASSISTANT AND DEPUTY CLERKS OF COURT/SALARY INCREASE

Sec. 42. G.S. 7A-102(c) reads as rewritten:

"(c) Notwithstanding the provisions of subsection (a), the Administrative Officer of the Courts shall establish an incremental salary plan for assistant clerks and for deputy clerks based on a series of salary steps corresponding to the steps contained in the Salary Plan for State Employees adopted by the Office of State Personnel, subject to a minimum and a maximum annual salary as set forth below. On and after July 1, 1985, each assistant clerk and each deputy clerk shall be eligible for an annual step increase in his salary plan based on satisfactory job performance as determined by each clerk. Notwithstanding the foregoing, if an assistant or deputy clerk's years of service in the office of superior court clerk would warrant an annual salary greater than the salary first established under this section, that assistant or deputy clerk shall be eligible on and after July 1, 1984, for an annual step increase in his salary plan. Furthermore, on and after July 1, 1985, that assistant or deputy clerk shall be eligible for an increase of two steps in his salary plan, and shall remain eligible for a two-step increase each year as recommended by each clerk until that assistant or deputy clerk's annual salary corresponds to his number of years of service. Any person covered by this subsection who would not receive a step increase in fiscal year 1992-93 because that person is at the top of the salary range as it existed for fiscal year 1990-91 shall receive a salary increase to the maximum annual salary provided for fiscal year 1992-93 by subsection (c1) of this section.

(c1) A full-time assistant clerk or a full-time deputy clerk shall be paid an annual salary subject to the following minimum and maximum rates:

Assistant Clerks	Annual Salary		
	~~1989-90~~	~~1990-91~~	1992-93
Minimum	~~$ 19,536~~	~~20,712~~	$20,712
Maximum	~~32,772~~	~~34,740~~	35,262
Deputy Clerks	Annual Salary		
	~~1989-90~~	~~1990-91~~	1992-93
Minimum	~~$ 15,312~~	~~16,236~~	$16,236
Maximum	~~25,128~~	~~26,640~~	27,162."

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

MAGISTRATES/SALARY INCREASE

Sec. 43. G.S. 7A-171.1(a)(1) reads as rewritten:

"(1) A full-time magistrate, so designated by the Administrative Officer of the Courts, shall be paid the annual salary indicated in the table below according to the number of years he has served as a magistrate. The salary steps shall take effect on the anniversary of the date the magistrate was originally appointed:

Table of Salaries of Full-Time Magistrates

Number of Prior Years of Service	Annual Salary		
	~~1989-90~~	~~1990-91~~	1992-93
Less than 1	~~$ 15,600~~	~~$16,536~~	$17,058
1 or more but less than 3	~~16,416~~	~~17,412~~	17,934
3 or more but less than 5	~~18,084~~	~~19,176~~	19,698
5 or more but less than 7	~~19,920~~	~~21,120~~	21,642

7 or more but less than 9	~~21,972~~	~~23,292~~	23,814
9 or more but less than 11	~~24,204~~	~~25,656~~	26,178
11 or more	~~26,628~~	~~28,236~~	28,758.

A 'Full-time magistrate' is a magistrate who is assigned to work an average of not less than 40 hours a week during his term of office.

Notwithstanding any other provision of this subdivision, a full-time magistrate, who was serving as a magistrate on December 31, 1978, and who was receiving an annual salary in excess of that which would ordinarily be allowed under the provisions of this subdivision, shall not have the salary, which he was receiving reduced during any subsequent term as a full-time magistrate. That magistrate's salary shall be fixed at the salary level from the table above which is nearest and higher than the latest annual salary he was receiving on December 31, 1978, and, thereafter, shall advance in accordance with the schedule in the table above."

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

COMMUNITY COLLEGES PERSONNEL/SALARY INCREASES

Sec. 44. The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1992-93 funds necessary to provide a salary increase of forty-three dollars and fifty cents ($43.50) per month, including funds for the employer's retirement and social security contributions, commencing July 1, 1992, for all permanent full-time community college institutional personnel supported by State funds. All permanent part-time community college institutional personnel supported by State funds shall receive pro rata amounts of the forty-three dollars and fifty cents ($43.50) per month. These funds may not be used for any purpose other than for the salary increases and necessary employer contributions provided by this section.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

HIGHER EDUCATION PERSONNEL/SALARY INCREASES

Sec. 45. The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1992-93 funds necessary to provide a salary increase of forty-three dollars and fifty cents ($43.50) per month, including funds for the employer's retirement and social security contributions commencing July 1, 1992, for each full-time employee of The University of North Carolina, as well as each full-time employee of the North Carolina School of Science and Mathematics, supported by State funds and whose salaries are exempt from the State Personnel Act; provided that the Board of Governors of The University of North Carolina may allocate the funds it receives for the salary increment for its employees in positions exempt from the State Personnel Act according to rules adopted by the Board of Governors. An additional one hundred thousand dollars ($100,000) shall be transferred from the Reserve for Salary Increases for salaries of teaching positions whose salaries are exempt from the State Personnel Act at the North Carolina School of Science and Mathematics. The Board of Trustees of the North Carolina School of Science and Mathematics may allocate the funds it receives for the salary increment for its employees in positions exempt from the State Personnel Act according to rules adopted by the Board of Trustees of the School of Science and Mathematics. All part-time employees of The University of North Carolina, as well as all part-time employees of the North Carolina School of Science and Mathematics, supported by State funds and whose salaries are exempt from the State Personnel Act shall receive a pro rata amount of the forty-three dollars and fifty cents ($43.50) per month provided that the Board of Governors of The University of North Carolina may allocate the funds it receives for the salary increment for its employees in positions exempt from the State Personnel Act according to rules adopted by the Board of Governors, provided that for the North Carolina School of Science and Mathematics, according to rules adopted by the Board of Trustees of the school.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

MOST STATE EMPLOYEES/SALARY INCREASES/1992-93

Sec. 46. (a) The salaries in effect for fiscal year 1991-92 for all permanent full-time State employees whose salaries are set in accordance with the State Personnel Act and who are paid from the General Fund or the Highway Fund shall be increased, on and after July 1, 1992, unless otherwise provided by this act, by forty-three dollars and fifty cents ($43.50) per month.

(b) Except as otherwise provided in this act, the fiscal year 1991-92 salaries for permanent full-time State officials and persons in exempt positions that are recommended by the Governor or the Governor and the Advisory Budget Commission and set by the General Assembly shall be increased by forty-three dollars and fifty cents ($43.50) per month, commencing July 1, 1992.

(c) The salaries in effect for fiscal year 1991-92 for all permanent part-time State employees shall be increased on and after July 1, 1992, by pro rata amounts of the forty-three dollars and fifty cents ($43.50) per month salary increase provided for permanent full-time employees covered under subsection (a) of this section.

(d) The Director of the Budget may allocate out of special operating funds or from other sources of the employing agency, except tax revenues, sufficient funds to allow a salary increase, on and after July 1, 1992, in accordance with subsections (a), (b), or (c) of this section including funds for the employer's retirement and social security contributions, for the permanent full-time and part-time employees of the agency, provided the employing agency elects to make available the necessary funds.

(e) Within regular Executive Budget Act procedures as limited by this act, all State agencies and departments may increase on an equitable basis the rate of pay of temporary and permanent hourly State employees, subject to availability of funds in the particular agency or department, by pro rata amounts of the forty-three dollars and fifty cents ($43.50) per month salary increase provided for permanent full-time employees covered by the provisions of subsection (a) of this section, commencing July 1, 1992.

(f) The provisions of this section do not apply to employees whose salaries are determined in accordance with G.S. 20-187.3(a), except for those employees who would not receive a salary increment for the 1992-93 fiscal year under G.S. 20-187.3(a) because they are at the top of their salary range.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

CERTAIN EXECUTIVE BRANCH OFFICIALS/SALARY INCREASES

Sec. 47. (a) The annual salaries, payable monthly, for the 1992-93 fiscal year for the following executive branch officials are:

Executive Branch Officials	Annual Salary 1992-93
Chairman, Alcoholic Beverage Control Commission	$72,930
State Controller	117,942
Commissioner of Motor Vehicles	72,930
Commissioner of Banks	72,930
Chairman, Employment Security Commission	72,930
State Personnel Director	75,774
Chairman, Parole Commission	66,594
Members of the Parole Commission	61,482
Chairman, Industrial Commission	65,526
Members of the Industrial Commission	63,930
Executive Director, Agency for Public Telecommunications	61,482
General Manager, Ports Railway Commission	55,518
Director, Museum of Art	74,730
Executive Director, Wildlife Resources Commission	62,946

Executive Director, North Carolina Housing Finance Agency 90,258
Executive Director, North Carolina Agricultural Finance Authority 70,986
Director, Office of Administrative Hearings 64,386.

(b) Any person carrying on the functions of a position listed in subsection (a) of this section shall be paid only the salary set out in that subsection, and the mere classification of the position to be some other position does not allow the salary of that position to be set in some other manner.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

PUBLIC SCHOOL PERSONNEL/SALARY INCREASES

Sec. 48. (a) Superintendents, Assistant Superintendents, Associate Superintendents, Supervisors, Directors, Coordinators, Evaluators, Program Administrators, Principals, and Assistant Principals.—The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1992-93 funds necessary to provide a salary increase of forty-three dollars and fifty cents ($43.50) per month, including funds for the employer's retirement and social security contributions, commencing July 1, 1992, for all superintendents, assistant superintendents, associate superintendents, supervisors, directors, coordinators, evaluators, program administrators, principals, and assistant principals whose salaries are supported from the State's General Fund. These funds may not be used for any purpose other than for the salary increase and necessary employer contributions provided by this subsection.

(b) Noncertified Employees. The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1992-93 funds necessary to provide a salary increase of forty-three dollars and fifty cents ($43.50) per month, including funds for the employer's retirement and social security contributions, commencing July 1, 1992, for all noncertified public school employees, except school bus drivers, whose salaries are supported from the State's General Fund. These funds may not be used for any purpose other than for the salary increases and necessary employer contributions provided by this subsection.

(c) The fiscal year 1991-92 pay rates adopted by local boards of education for school bus drivers shall be increased by at least two percent (2%) on and after July 1, 1992, to the extent that such rates of pay are supported by the allocation of State funds from the State Board of Education. Local boards of education shall increase the rates of pay for all school bus drivers who were employed during fiscal year 1991-92 and who continue their employment for fiscal year 1992-93 by at least two percent (2%) on and after July 1, 1992. The Director of the Budget may transfer from the salary increase reserve fund created in Section 3 of this act for fiscal year 1992-93 funds necessary to provide the salary increases for school bus drivers whose salaries are supported from the State's General Fund in accordance with the provisions of this subsection.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

ALL STATE-SUPPORTED PERSONNEL/SALARY INCREASES

Sec. 49. (a) Salaries for positions that are funded partially from the General Fund or Highway Fund and partially from sources other than the General Fund or Highway Fund shall be increased from the General Fund or Highway Fund appropriation only to the extent of the proportionate part of the salaries paid from the General Fund or Highway Fund.

(b) The granting of the salary increases under this act does not affect the status of eligibility for salary increments for which employees may be eligible unless otherwise required by this act.

(c) The salary increases provided in this Part are to be effective July 1, 1992, do not apply to persons separated from State service due to resignation, dismissal, reduction in force, death, or retirement, whose last workday is prior to July 1, 1992, or to employees involved in written disciplinary procedures.

Payroll checks issued to employees after July 1, 1992, which represent payment for services provided prior to July 1, 1992, shall not be eligible for salary increases provided for in this act. This subsection shall apply to all employees, subject to or exempt from the State Personnel Act, paid from State funds, including public schools, community colleges, and The University of North Carolina.

(d) Notwithstanding the provisions of Section 19.1 of Chapter 1137 of the 1979 Session Laws, as amended by Chapter 1053 of the 1981 Session Laws, G.S. 115C-12(9)a., 115C-12(16), 126-7, or any other provision of law other than G.S. 20-187.3(a) and G.S. 7A-102(c), no employee or officer of the public school system shall receive an automatic increment, and no State employee or officer shall receive a merit increment during the 1992-93 fiscal year, except as otherwise permitted by this act.

(e) The Director of the Budget shall transfer from the Reserve for Salary Increases created in this act for fiscal year 1992-93 all funds necessary for the salary increases provided by this act, including funds for the employer's retirement and social security contributions.

(f) Nothing in this act authorizes the transfer of funds from the General Fund to the Highway Fund for salary increases.

Requested by: Representative Barnes

RESERVE FOR LOWEST PAID EMPLOYEES

Sec. 50. Notwithstanding any other provisions of the current law, the Office of State Budget and Management is authorized to transfer funds that are certified as performance pay reserves in the 1992-93 budget and are not required to continue support of performance pay allocations authorized in fiscal year 1990-91 to a Reserve for Lowest Paid Employees for the purpose of providing salary increases to the lowest paid State employees pursuant to Section 37 of Chapter 1066 of the 1989 Session Laws. When all agencies except Special Responsibility Constituent Institutions in The University of North Carolina System have received sufficient funds from the Reserve for Lowest Paid Employees in order to fully implement Section 37 of Chapter 1066 of the 1989 Session Laws, the remaining funds in that Reserve shall be available to Special Responsibility Constituent Institutions in The University of North Carolina System to implement that section. If such funds are insufficient for Special Responsibility Constituent Institutions in The University of North Carolina System to fully implement that section, they shall use funds otherwise available to fully implement that section.

Requested by: Senator Basnight

CONFORM LEGISLATIVE PER DIEM TO FEDERAL REGULATIONS

Sec. 51. Effective upon the convening of the 1993 Regular Session of the General Assembly, G.S. 120-3.1(a)(3) reads as rewritten:

"(3) A subsistence allowance for meals and lodging at a daily rate equal to the maximum per diem rate for federal employees traveling to Raleigh, North Carolina, as set out at ~~52 Federal Register 26644 (July 15, 1987),~~ 57 Federal Register 6684 (February 27, 1992), while the General Assembly is in session and, except as otherwise provided in this subdivision, while the General Assembly is not in session when, with the approval of the Speaker of the House in the case of Representatives or the President Pro Tempore of the Senate in case of Senators, the member is:

a. Traveling as a representative of the General Assembly or of its committees or commissions, or

b. Otherwise in the service of the State.

A member who is authorized to travel, whether in or out of session, within the United States outside North Carolina, may elect to receive, in lieu of the amount provided in the preceding paragraph, a subsistence allowance of ~~twenty dollars ($20.00)~~ twenty-six dollars ($26.00) a day for meals, plus actual expenses for lodging when evidenced by a receipt satisfactory to the Legislative Administrative Officer, the latter not to exceed the maximum per diem rate for federal employees traveling to the same place, as set out at ~~52 Federal Register 26630-26648 (July 15, 1987)~~ 57 Federal Register 6678-6687 (February 27, 1992) and at ~~52 Federal Register 33616-33617 (September 4, 1987)~~ 57 Federal Register 24474-24477 (June 9, 1992)."

Requested by: Senator Block,
Representatives Nesbitt, Diamont

INCREASE THE RETIREMENT FORMULAS AND TO PROVIDE ADJUSTING INCREASES TO RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM

Sec. 52. (a) G.S. 135-5(b12) reads as rewritten:

"(b12) Service Retirement Allowance of Members Retiring on or after July 1, ~~1990.~~ 1990, but before July 1, 1992. — Upon retirement from service in accordance with subsection (a) above, on or after July 1, 1990, but before July 1, 1992, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and sixty-four hundredths percent (1.64%) of his average final compensation, multiplied by the number of years of his creditable service.

b. This allowance shall also be governed by the provisions of G.S. 135-5(b9)(1)b.

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and sixty-four hundredths percent (1.64%) of his average final compensation, multiplied by the number of years of creditable service.

b. This allowance shall also be governed by the provisions of G.S. 135-5(b9)(2)b. c. and d."

(b) G.S. 135-5 is amended by adding a new subsection to read:

"(b13) Service Retirement Allowance of Members Retiring on or after July 1, 1992. — Upon retirement from service in accordance with subsection (a) above, on or after July 1, 1992, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and seventy hundredths percent (1.70%) of his average final compensation, multiplied by the number of years of his creditable service.

b. This allowance shall also be governed by the provisions of G.S. 135-5(b9)(1)b.

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy hundredths percent (1.70%) of his average final compensation, multiplied by the number of years of creditable service.

b. This allowance shall also be governed by the provisions of G.S. 135-5(b9)(2)b. c. and d."

(c) G.S. 135-5 is amended by adding a new subsection to read:

"(tt) Increase in Allowance as to Persons on Retirement Rolls as of June 1, 1992. — From and after July 1, 1992, the retirement allowance to or on account of beneficiaries on the retirement rolls as of June 1, 1992, shall be increased by three and six-tenths percent (3.6%) of the allowance payable on June 1, 1992. This allowance shall be calculated on the allowance payable and in effect on June 30, 1992, so as not to be compounded on any other increase granted by act of the 1991 Session of the General Assembly, 1992 Regular Session."

(d) In order to fund the provisions of subsections (a) through (c) of this section, the Board of Trustees of the Teachers' and State Employees' Retirement System, with the advice of its consulting actuary, shall apply the unencumbered actuarial gain in the System by allocating the percentage of payroll contribution rates for employers between the normal and accrued liability contributions to the Retirement System without an increase in the total employer contribution rate.

(e) G.S. 128-27(b12) reads as rewritten:

"(b12) Service Retirement Allowance of Members Retiring on or after July 1, ~~1990~~ 1990, but before July 1, 1992. — Upon retirement from service in accordance with subsection (a) above, on or after July 1, 1990, but before July 1, 1992, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and sixty-four hundredths percent (1.64%) of his average final compensation, multiplied by the number of years of his creditable service.

b. This allowance shall also be governed by the provisions of G.S. 128-27(b8)(2).

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and sixty-four hundredths percent (1.64%) of his average final compensation, multiplied by the number of years of creditable service.

b. This allowance shall also be governed by the provisions of G.S. 128-27(b7)(2a) and (3)."

(f) G.S. 128-27 is amended by adding a new subsection to read:

"(b13) Service Retirement Allowance of Members Retiring on or after July 1, 1992. — Upon retirement from service in accordance with subsection (a) above, on or after July 1, 1992, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 55th birthday, and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and seventy hundredths percent (1.70%) of his average final compensation, multiplied by the number of years of his creditable service.

b. This allowance shall also be governed by the provisions of G.S. 128-27(b8)(2).

(2) A member who is not a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

a. If the member's service retirement date occurs on or after his 65th birthday upon the completion of five years of creditable service or after the completion of 30 years of creditable service or on or after his 60th birthday upon the completion of 25 years of creditable service, the allowance shall be equal to one and seventy hundredths percent (1.70%) of his average final compensation, multiplied by the number of years of creditable service.

b. This allowance shall also be governed by the provisions of G.S. 128-27(b7)(2a), (2b), and (3)."

(g) G.S. 128-27 is amended by adding a new subsection to read:

"(jj) Increase in Allowance as to Persons on Retirement Rolls as of June 1, 1992. — From and after July 1, 1992, the retirement allowance to or on account of beneficiaries on the retirement rolls as of June 1, 1992, shall be increased by three and six-tenths percent (3.6%) of the allowance payable on June 1, 1992. This allowance shall be calculated on the allowance payable and in effect on June 30, 1992, so as not to be compounded on any other increase payable under subsection (k) of this section or otherwise granted by act of the 1991 Session of the General Assembly, 1992 Regular Session."

(h) In order to fund the provisions of subsections (e) through (g) of this section, the Board of Trustees of the Local Governmental Employees' Retirement System, with the advice of its consulting actuary, shall apply the unencumbered actuarial gain in the System to the normal percentage contribution of payroll for employers to the Retirement System without an increase in the total employer's contribution rate.

(i) This section becomes effective July 1, 1992.

Requested by: Senator Basnight,
Representatives Nesbitt, Diamont

INCREASE RETIREMENT ALLOWANCES

Sec. 53. (a) G.S. 128-27 is amended by adding a new subsection to read:

"(kk) From and after July 1, 1992, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1991, shall be increased by one and six-tenths percent (1.6%) of the allowance payable on July 1, 1991, in accordance with G.S. 128-27(k). Furthermore, from and after July 1, 1992, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1991, but before June 30, 1992, shall be increased by a prorated amount of one and six-tenths percent (1.6%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1991 and June 30, 1992."

(b) G.S. 135-5 is amended by adding a new subsection to read:

"(uu) From and after July 1, 1992, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1991, shall be increased by one and six-tenths percent (1.6%) of the allowance payable on July 1, 1991, in accordance with G.S. 135-5(o). Furthermore, from and after July 1, 1992, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1991, but before June 30, 1992, shall be increased by a prorated amount of one and six-tenths percent (1.6%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1991 and June 30, 1992."

(c) G.S. 135-65 is amended by adding a new subsection to read:

"(m) From and after July 1, 1992, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before July 1, 1991, shall be increased by one and six-tenths percent (1.6%) of the allowance payable on July 1, 1991. Furthermore, from and after July 1, 1992, the retirement allowance to or on account of beneficiaries whose retirement commenced after July 1, 1991, but before June 30, 1992, shall be increased by a prorated amount of one and six-tenths percent (1.6%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between July 1, 1991 and June 30, 1992."

(d) G.S. 120-4.22A is amended by adding a new subsection to read:

"(g) In accordance with subsection (a) of this section, from and after July 1, 1992, the retirement allowance to or on account of beneficiaries whose retirement commenced on or before January 1, 1992, shall be increased by one and six-tenths percent (1.6%) of the allowance payable on July 1, 1992. Furthermore, from and after July 1, 1992, the retirement allowance to or on account of beneficiaries whose retirement commenced after January 1, 1992, but before June 30, 1992, shall be increased by a prorated amount of one and six-tenths percent (1.6%) of the allowance payable as determined by the Board of Trustees based upon the number of months that a retirement allowance was paid between January 1, 1992 and June 30, 1992."

Requested by: Senators Daniel, Basnight, Plyler,
Representatives Nesbitt, Diamont

SHERIFFS' PENSION FUND CHANGES

Sec. 54. (a) G.S. 143-166.83 reads as rewritten:

"**§ 143-166.83. Disbursements.**

~~(a) Immediately following July 1, 1986, the Department of Justice shall divide an amount equal to forty-five percent (45%) of the assets of the Fund at the end of the preceding fiscal year into equal share and disburse the same as monthly pension payments to all eligible retired sheriffs as of July 1, 1986, payable in accordance with the method described in G.S. 143-166.85(a), except that such pension benefit shall be computed for a six-months basis beginning with the month of July, 1986.~~

(b) Immediately following January 1, ~~1987,~~ 1993, and the first of January of each succeeding calendar year thereafter, the Department of Justice shall divide an amount

equal to ninety percent (90%) of the assets of the Fund at the end of the preceding calendar year ~~into equal shares~~ and shall add to that amount any assets remaining pursuant to subsection (f) of this section and disburse the same as monthly payments in accordance with the provisions of this Article.

(c) ~~The remaining ten~~ Ten percent (10%) of the Fund's assets as of ~~December 31, 1986,~~ January 1, 1993, and at the ~~end~~ beginning of each calendar year thereafter, may be used by the Department of Justice in administering the provisions of this Article. ~~For the six-month period commencing July 1, 1986, five percent (5%) of the Fund's assets at the end of the preceding fiscal year may be used for this purpose.~~ This ten percent (10%) is to be derived from the Fund's assets prior to the addition of assets remaining pursuant to subsection (f) of this section.

(d) All the Fund's disbursements shall be conducted in the same manner as disbursements are conducted for other special funds of the State.

(e) If, for any reason, the Fund shall be insufficient to pay any pension benefits or other charges, then all benefits or payments shall be reduced pro rata for as long as the deficiency in amount exists. No claim shall accrue with respect to any amount by which a pension payment shall have been reduced.

(f) ~~As of January 1, 1987, and the beginning of each calendar year thereafter, any~~ Any assets remaining after reserving an amount equal to the disbursements required under subsections (b) and (c) of this section shall be ~~transferred to the Supplemental Retirement Income Plan for Local Governmental Law-Enforcement Officers, except elected Sheriffs, to be disbursed in accordance with the provisions of G.S. 143-166.50(e) as additional contributions made in the same manner as receipts from the cost of court collections.~~ accrued and included in disbursements for pensioners in succeeding years."

(b) G.S. 143-166.84 reads as rewritten:

"**§ 143-166.84. Eligibility.**

(a) Each county sheriff who has retired from the Local Governmental Employees' Retirement ~~System or an equivalent locally sponsored plan on and before June 30, 1986,~~ System, and who has attained the age of 55 years or attained 30 years of creditable service regardless of age, and who has completed at least 10 years of eligible service as ~~sheriff~~ sheriff, is entitled to receive a monthly pension under this ~~Article, beginning July 1, 1986.~~ Article.

(a1) Each county sheriff who withdrew any service standing to his credit in the Local Governmental Employees' Retirement System prior to July 1, 1986, and who has attained the age of 55 or attained 30 creditable years of service regardless of age, and who has completed at least 10 years of eligible service as ~~sheriff~~ sheriff, is entitled to receive a monthly pension under this Article provided the sheriff is not eligible to receive any retirement benefit from any State or locally sponsored plan.

(a2) Each county sheriff who has been approved for disability benefits from the Local Governmental Employees' Retirement System is eligible to receive benefits from the Fund based on years of creditable service as sheriff, regardless of age, provided the retiree has at least 10 years of eligible service as sheriff.

(b) Each eligible retired ~~Sheriff~~ sheriff as defined in ~~subsection (a)~~ subsections (a), (a1), and (a2) of this section relating to ~~age, service, and retirement status on January 1 of each calendar year~~ age and service shall be entitled to receive a monthly pension under this Article beginning with the month ~~of January of the same calendar year.~~ immediately following the effective date of retirement."

(c) G.S. 143-166.85 reads as rewritten:

"**§ 143-166.85. Benefits.**

(a) An eligible retired sheriff shall be entitled to and receive an annual pension benefit, payable in equal monthly installments, equal to one share for each full year of eligible service as sheriff multiplied by his total number of years of eligible service. The amount of each share shall be determined by dividing the total number of years of eligible service for all eligible retired sheriffs on December 31 of each calendar year into the

amount to be disbursed as monthly pension payments in accordance with the provisions of G.S., 143-166.83(b). In no event however shall a monthly pension under this Article exceed an amount, which when added to a retired allowance at retirement from the Local Governmental Employees' Retirement System ~~or an equivalent locally sponsored plan~~ or to the amount he would have been eligible to receive if service had not been forfeited by the withdrawal of accumulated contributions, is greater than seventy-five percent (75%) of a sheriff's equivalent annual salary immediately preceding retirement computed on the latest monthly base rate, to a maximum amount ~~of one thousand dollars ($1,000).~~ of one thousand two hundred dollars ($1,200).

(b) All monthly pensions payable under this Article shall be paid on the last business day of each month.

(c) ~~Monthly pensions payable under this Article will cease at~~ At the death of the ~~pensioner and no payment will be made to any beneficiaries or to the decedent's estate.~~ pensioner, benefits for the current calendar year will continue and be paid in monthly installments to the decedent's spouse or estate, in accordance with the provisions of Chapter 28A of the General Statutes. Benefits will cease upon the last payment being made in December of the current year.

(d) Monthly pensions payable under this Article will cease upon the full-time reemployment of a pensioner with an employer participating in the Local Governmental Employees' Retirement System for as long as the pensioner is so reemployed.

(e) Repealed by Session Laws 1989, c. 792, s. 2.9.

(f) Nothing contained in this Article shall preclude or in any way affect the benefits that a pensioner may be entitled to from any state, federal or private pension, retirement or other deferred compensation plan."

(d) This section becomes effective January 1, 1993.

Requested by: Representative Nesbitt

SALARY INCREASE FOR STATE-FUNDED LOCAL PROGRAMS

Sec. 55. Of the funds appropriated from the General Fund for the Reserve for Salary Increases in this act for the 1992-93 fiscal year, funds shall be made available for employees in locally operated State-funded programs in an amount equivalent to a two percent (2%) across-the-board salary increase.

PART 14. PUBLIC SCHOOLS

Requested by: Senator Ward,
Representatives H. Hunter, Fussell, Payne

CONTINUE MODEL TEACHER EDUCATION CONSORTIUM

Sec. 56. (a) Section 36.1 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 36.1. Of the funds appropriated to the Department of Public Education for the 1991-92 fiscal year and for the 1992-93 fiscal year for aid to local school administrative units, the State Board of Education shall use ~~$150,000~~ one hundred fifty thousand dollars ($150,000) for the 1991-92 fiscal year and one hundred seventy thousand dollars ($170,000) for the 1992-93 fiscal year for the model teacher education consortium established in Section 72 of Chapter 752 of the 1989 Session Laws. Of these funds, up to ~~$30,000~~ thirty thousand dollars ($30,000) for the 1991-92 fiscal year and up to fifty thousand dollars ($50,000) for the 1992-93 fiscal year may be used for administrative purposes."

(b) It is the intent of the General Assembly to put funds for the model teacher education consortium in the continuation budget for the 1993-95 fiscal biennium.

(c) Section 72(a) of Chapter 752 of the 1989 Session Laws reads as rewritten:

"(a) There is established a model teacher education consortium for the following local school administrative units: Gates County, Granville County, Halifax County, Hertford County, Northampton County, Vance County, Warren County, Roanoke Rapids City and Weldon City, with the collaboration of East Carolina University, Elizabeth City

State University, ~~Atlantic Christian~~ Barton College, North Carolina Wesleyan College, Halifax Community College, and Vance-Granville Community College."

Requested by: Senator Ward,
Representatives Fussell, Payne, Diamont, Nesbitt

REALLOCATION OF CERTAIN FUNDS FOR EXCEPTIONAL CHILDREN

Sec. 57. The State Board of Education may reallocate (i) funds that are repayments from local school administrative units as a result of audit exceptions of exceptional children headcounts and student records, (ii) any prior year's refunds of exceptional children funds to the public school fund, and (iii) any penalties assessed on those funds. The funds shall be available for reallocation by the State Board and for expenditure by the local school administrative units for the remainder of the fiscal year in which they are collected and for the subsequent fiscal year. The funds shall be allocated by the State Board in accordance with policies adopted by the State Board for the exceptional children's program.

Requested by: Senator Ward,
Representatives Fussell, Payne, Nesbitt

OUTCOME-BASED EDUCATION FUNDS

Sec. 58. (a) Section 199(b) of Chapter 689 of the 1991 Session Laws reads as rewritten:

"(b) Of the funds appropriated to the Department of Public Education, the sum of ~~$100,000~~ one hundred thousand dollars ($100,000) for the 1991-92 fiscal year shall be used for advance planning for the outcome-based education program at ~~four~~ pilot sites pursuant to subsection (a) of this section and the sum of ~~$3,000,000~~ three million dollars ($3,000,000) for the 1992-93 fiscal year shall be used to implement the program at the ~~four~~ pilot sites. ~~These~~ Of the funds appropriated for the 1992-93 fiscal year, the sum of one hundred thousand dollars ($100,000) shall be used by the Department of Public Instruction to provide technical assistance, evaluate programs, refine proficiencies and outcomes, and otherwise implement the program; the remainder of these funds shall be allocated first on the basis of ~~$500.00~~ five hundred dollars ($500.00) for each State-funded certificated employee participating in the ~~program.~~ program and then on a pro rata basis based on the number of State-funded certificated employees. These funds shall be used (i) for staff development activities, including planning activities, for teachers, administrators, and school board members, (ii) to pay substitute teachers while teachers are engaged in staff development activities, ~~and~~ (iii) to pay 10-month employees for participating in staff development activities, including planning activities during the ~~summer.~~ summer, and (iv) to allow the pilots to use funds for specific other purposes such as evaluation, dissemination of information, and implementation of proficiencies.

It is the intent of the General Assembly to appropriate an additional ~~$3,000,000~~ three million dollars ($3,000,000) each year for the 1993-94 through 1996-97 fiscal years to complete the implementation of the outcome-based education program at the ~~four~~ six sites."

(b) G.S. 115C-238.13(a) reads as rewritten:

"(a) The State Board of Education shall develop and implement an outcome-based education program. The State Board of Education shall select ~~four sites~~ six sites, at least one of which shall be a consortium, to participate in the program for five fiscal years beginning with the 1992-93 fiscal year. The first year of the project shall be a year for the sites to plan their projects. The remaining four years shall be to implement the projects and to demonstrate their effectiveness."

Requested by: Senator Ward,
Representatives Fussell, Payne

EARLY CHILDHOOD EDUCATION COORDINATOR FUNDS

Sec. 59. The Department of Public Instruction may use up to seventy-five thousand dollars ($75,000) of the funds appropriated to the Department of Public Education for aid to local school administrative units for the 1992-93 fiscal year for an early childhood education coordinator. The early childhood education coordinator shall provide technical assistance to local school administrative units in offering appropriate services for children pre-kindergarten through grade five.

Requested by: Senator Ward,
Representatives Fussell, Payne, Rogers, Nesbitt

LOW PERFORMING UNITS

Sec. 60. (a) If a local school administrative unit is identified as a low performing school system or placed on warning status by the State Board of Education in accordance with G.S. 115C-64.1, the Department of Public Instruction may use up to one million two hundred thousand dollars ($1,200,000) of the funds appropriated for aid to local school administrative units to provide the local school administrative unit with staff development activities and technical assistance to enable the unit to improve student performance and decrease dropout rates.

The Department of Public Instruction shall not use these funds for new employee positions.

(b) If a local school administrative unit is identified as a low performing school system by the State Board of Education in accordance with G.S. 115C-64.1, and that local school administrative unit receives small school system supplemental funding, low-wealth counties supplemental funding, or both, the local school administrative unit shall use those funds to implement the plan for improving student performance and decreasing dropout rates that it submitted to the State Board of Education in accordance with G.S. 115C-64.2(a).

If a local school administrative unit is placed on warning status by the State Board of Education, and that local school administrative unit receives small school system supplemental funding, low-wealth counties supplemental funding, or both, the local school administrative unit shall use those funds to implement a locally developed plan for improving student performance and decreasing dropout rates.

(c) The Board of Governors of The University of North Carolina shall require the Offices of School Services at the constituent institutions to provide in-kind technical assistance worth at least six hundred thousand dollars ($600,000) through the Department of Public Instruction to local school administrative units that are identified as low performing school systems or placed on warning status by the State Board of Education in accordance with G.S. 115C-64.1.

Requested by: Senator Ward,
Representatives Fussell, Payne, Nesbitt

PROSPECTIVE TEACHER SCHOLARSHIP LOAN FUNDS

Sec. 61. Of the funds appropriated to the Department of Public Education for the 1992-93 fiscal year for prospective teacher scholarship loans, the Superintendent of Public Instruction may designate up to two hundred thousand dollars ($200,000) for the 1992-93 fiscal year scholarship loans to teacher assistants enrolled in accredited teacher education programs.

Requested by: Senator Ward,
Representatives Fussell, Payne

PUPIL TRANSPORTATION FUNDS

Sec. 62. The Department of Public Instruction shall implement the Pupil Transportation Program Improvements Implementation Projects authorized by Section 55 of Chapter 752 of the 1989 Session Laws. The Department of Public Instruction may use up to five hundred thousand dollars ($500,000) of the funds appropriated for the

1992-93 fiscal year for aid to local school administrative units for pupil transportation to assist local school administrative units with (i) unique difficulties implementing the new funding formula or (ii) efforts to improve efficiency of pupil transportation operations.

The Department shall report to the appropriations committees of the Senate and the House of Representatives and to the Fiscal Research Division in December of 1992 on the implementation of the projects specified in this section.

Requested by: Senator Ward,
Representatives Fussell, Payne

STAFF DEVELOPMENT FUND AVAILABILITY

Sec. 63. (a) Funds allocated by the State Board of Education for staff development at the local level for the 1991-92 fiscal year shall remain available for expenditure until August 31, 1992.

(b) Funds allocated by the State Board of Education for staff development at the local level for the 1992-93 fiscal year shall become available for expenditure July 1, 1992, and shall remain available for expenditure until August 31, 1993.

(c) Effective July 1, 1993, Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-417. Availability of funds allocated for staff development.

Funds allocated by the State Board of Education for staff development at the local level shall become available for expenditure on September 1 of each fiscal year and shall remain available for expenditure until August 31 of the subsequent fiscal year."

(d) This section is effective on and after June 30, 1992.

Requested by: Senator Ward,
Representatives Fussell, Payne, Diamont, Nesbitt

NORTH CAROLINA CLOSE UP FUNDS

Sec. 64. The Department of Public Instruction may use up to fifteen thousand dollars ($15,000) of the funds within its budget for the 1992-93 fiscal year for the North Carolina Close Up Program to enable the program to promote citizenship education.

Requested by: Senator Ward,
Representatives Fussell, Payne

APPROPRIATION OF FUNDS FROM STATE LITERARY FUND

Sec. 65. There is appropriated from the State Literary Fund to the Department of Public Education the sum of one million dollars ($1,000,000) for the 1992-93 fiscal year for aid to local school administrative units.

Requested by: Representatives Fussell, Payne, Rogers, Diamont, Nesbitt

SUPPLEMENTAL SCHOOL FUNDING FOR SMALL AND LOW WEALTH COUNTIES/STUDY

Sec. 66. Of the funds appropriated to the Department of Public Education in Section 3 of this act for the 1992-93 fiscal year, the sum of three million dollars ($3,000,000) shall be used for small school supplemental funding in accordance with Section 201.1 of Chapter 689 of the 1991 Session Laws, as rewritten by Sections 47.1 and 47.2 of Chapter 761 of the 1991 Session Laws. These funds are in addition to the funds in the amount of four million dollars ($4,000,000) appropriated for this purpose in Chapter 689 of the 1991 Session Laws.

Sec. 67. Section 201.2 of Chapter 689 of the 1991 Session Laws, as rewritten by Section 47.3 of Chapter 761 of the 1991 Session Laws, reads as rewritten:

"Sec. 201.2. (a) The General Assembly finds that it is appropriate to provide supplemental funds in low-wealth counties to allow those counties to enhance the instructional program and student achievement; therefore, of the funds appropriated to the Department of Public Education, the sum of ~~$6,000,000~~ six million dollars ($6,000,000) for the 1991-92 fiscal year and the sum of ~~$6,000,000~~ nine million dollars ($9,000,000) for the 1992-93 fiscal year shall be used for supplemental funds for schools. The State Board of Education shall allocate these funds to the counties in which

the adjusted property tax base per student for that county is less than the State average adjusted property tax base per student. The amount each such county receives shall be its pro rata share of the funds appropriated for supplemental funding in this act, computed as follows:

(1) Divide the county adjusted property tax base per student by the State adjusted property tax base per student;

(2) Multiply the resulting amount by the State average current expense appropriations per student;

(3) Subtract the resulting amount per student from the State average county current expense appropriations per student; and

(4) Multiply the resulting amount by the average daily membership of students in the county.

The funds a county receives shall be allocated to each local school administrative unit, located in whole or in part in the county, based on the average daily membership of the county's students in the school units.

This formula is solely a basis for distribution of supplemental funding for low-wealth counties and is not intended to reflect any measure of the adequacy of the educational program or funding for public schools. The formula is also not intended to reflect any commitment by the General Assembly to appropriate any additional supplemental funds for low-wealth counties.

(b) Funds received pursuant to this section shall be used only to provide instructional positions, instructional support positions, teacher assistant positions, clerical positions, and instructional supplies and ~~equipment.~~ equipment, staff development, and textbooks.

(c) Nonsupplant Requirement. — A county in which a local school administrative unit receives funds under this section shall use the funds to supplement and not supplant existing State and local funding for public schools.

The Local Government Commission shall analyze the budgets and the expenditures of school administrative units that receive funds under this section in light of their budgets and expenditures for the previous year and shall determine whether those funds were used to supplement and not supplant State and local funding for public schools. The Local Government Commission shall report the results of its study to the State Board of Education, to the Joint Legislative Education Oversight Committee, and to the Appropriations Committees of the Senate and the House of Representatives, prior to May 1, 1992, and May 1, 1993.

(d) Definitions. — As used in this act:

(1) 'Average daily membership' means average daily membership as defined in the North Carolina Public Schools Allotment Policy Manual, adopted by the State Board of Education.

(2) 'County adjusted property tax base per student' means the total assessed property valuation for each county, adjusted using a weighted average of the three most recent annual sales assessment ratio studies, divided by the total number of students in average daily membership who reside within the county, and further adjusted using the ratio of the county's per capita income to the State average per capita income.

(3) 'Effective county tax rate' means the actual county tax rate multiplied by a weighted average of the three most recent annual sales assessment ratio studies.

(4) 'Per capita income' means the per capita income according to the most recent report of the United States Department of Commerce, Bureau of Economic Analysis.

(5) 'Sales assessment ratio studies' means sales assessment ratio studies performed by the Department of Revenue under G.S. 105-289(h).

(6) 'State adjusted property tax base per student' means the sum of all county adjusted property tax bases divided by the total number of students who reside within the State.

(7) 'State average current expense appropriations per student' means the most recent State total of county current expense appropriations to public schools, as reported by counties in the annual county financial information report to the State Treasurer, divided by the total State average daily membership for that year.

(8) 'Weighted average of the three most recent annual sales assessment ratio studies' means the weighted average of the three most recent annual sales assessment ratio studies in the most recent years for which county current expense appropriations and adjusted property tax valuations are available. If real property in a county has been revalued one year prior to the most recent sales assessment ratio study, a weighted average of the two most recent sales assessment ratios shall be used. If property has been revalued the year of the most recent sales assessment ratio study, the sales assessment ratio for the year of revaluation shall be used.

(e) Minimum Effort Required. — Counties that receive funding under this section shall maintain an effective county tax rate that is at least one hundred percent (100%) of the State average effective tax in the most recent year for which data are available. Any county that fails to maintain an effective county tax rate that is at least one hundred percent (100%) of the State average effective tax in the most recent year for which data are available shall refund to the State the entire amount of its allocation under this section.

(e1) Notwithstanding the provisions of this section, for the 1992-93 fiscal year only, counties that received funding under this section for the 1991-92 fiscal year, shall receive at least as much funding under this section for the 1992-93 fiscal year.

For the 1992-93 fiscal year only, the funds Edgecombe County receives shall be allocated to each local school administrative unit, located in whole or in part in the county including the Nash-Rocky Mount School Administrative Unit, based on the average daily membership of the county's students in the school units.

(f) Counties that receive funds under this section shall report to the State Board of Education before March 1 each year on how they are using the funds for the fiscal year. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to May 1, 1992, and May 1, 1993, on how the funds are being used."

Sec. 68. It is the intent of the General Assembly to include in the continuation budget for the 1993-95 fiscal biennium the funds appropriated for the 1992-93 fiscal year to provide supplemental funds to low-wealth and small counties to allow those counties to enhance the instructional program and student achievement. It is further the intent of the General Assembly to adopt a comprehensive formula for the distribution of these funds for the 1993-95 fiscal biennium and for subsequent fiscal bienniums.

Sec. 69. (a) The Legislative Study Commission on Supplemental School Funding is created. The Commission shall consist of 12 members: six members appointed by the President Pro Tempore of the Senate, at least four of whom are Senators, and six members appointed by the Speaker of the House of Representatives, at least four of whom are Representatives.

(b) The President Pro Tempore of the Senate shall designate one Senator as cochair and the Speaker of the House of Representatives shall designate one Representative as cochair.

(c) The Commission shall study:

(1) The manner in which funds are distributed to provide supplemental funds to low-wealth and small counties to allow those counties to enhance the instructional program and student achievement;

(2) The manner in which funds are distributed from the Critical School Facility Needs Fund to provide school capital fund to counties that have the greatest

critical school facility needs in relation to resources available to pay for school facility needs; and

(3) Whether the current methods of allocating the funds are appropriate.

(d) The Commission shall submit a final report of its findings and recommendations to the General Assembly on or before March 1, 1993, by filing the report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate.

(e) The Commission, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the cochairmen. The Commission may meet in the Legislative Building or the Legislative Office Building.

(f) Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, G.S. 138-5, or G.S. 138-6.

(g) The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist in the work of the Commission. The House of Representatives and the Senate's Supervisor of Clerks shall assign clerical staff to the commission or committee, upon the direction of the Legislative Services Commission. The expenses relating to clerical employees shall be borne by the Commission.

(h) When a vacancy occurs in the membership of the Commission the vacancy shall be filled by the same appointing officer who made the initial appointment.

(i) All State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them.

Requested by: Senator Ward,
Representatives Fussell, Payne, Nesbitt, Diamont

MODIFICATIONS TO APPROPRIATIONS TO THE DEPARTMENT OF PUBLIC EDUCATION FOR THE 1992-93 FISCAL YEAR

Sec. 70. Effective July 1, 1992, Section 6(f) of Chapter 812 of the 1991 Session Laws reads as rewritten:

"(f) Of the funds appropriated to the Department of Public Education for the 1991-93 fiscal biennium, the funds for the operation and maintenance of the Department of Public Instruction, for State aid to nonstate agencies, and for the operation of the State Board of Education are as follows:

DEPARTMENT OF PUBLIC EDUCATION
TOTAL REQUIREMENTS
1991-92

FUND	Department of Public Instruction	Aid to Local School Administrative Units	State Board of Education
1000	2,276,885	—	118,900
1100	11,594,516	—	—
1200	2,542,623	—	—
1300	4,370,254	—	—
1400	12,551,101	—	16,146
1500	2,927,256	—	—
1600	11,386,980	—	17,668
1700	—	—	—
1800	—	3,199,427,158	—
1900	491,734	—	—
TOTAL	48,141,349	3,199,427,158	152,714

1992-93

FUND	Department of Public Instruction	Aid to Local School Administrative Units	State Board of Education
1000	~~2,271,969~~ 2,571,969	—	93,900
1100	11,578,464	—	—
1200	2,543,364	—	—
1300	4,326,584	—	—
1400	12,826,595	—	16,146
1500	~~2,923,299~~ 6,923,299	—	—
1600	11,281,018	—	17,668
1700	—	—	—
1800	—	~~3,267,053,247~~ 3,253,680,746	—
1900	491,734	—	—
TOTAL	~~48,243,027~~ 52,543,027	~~3,267,053,247~~ 3,253,680,746	127,714".

Requested by: Senator Ward,
Representatives Diamont, Nesbitt, Barnes, Fussell, Payne

DIFFERENTIATED PAY

Sec. 71. (a) Of the funds appropriated to the Department of Public Education, Aid to Local School Administrative Units, for the 1992-93 fiscal year, the sum of twenty-nine million five hundred thousand dollars ($29,500,000) shall be used for differentiated pay for public school employees.

(b) Each local school administrative unit that voted in accordance with Section 194 of Chapter 689 of the 1991 Session Laws to continue or modify, in accordance with the School Improvement and Accountability Act of 1989, its existing differentiated pay plan shall receive two percent (2%) of its State-paid teachers' and administrators' salaries, and the employer's contribution for social security and retirement. These funds shall be spent in accordance with the differentiated pay plan in effect for the unit.

(c) Each local school administrative unit that voted in accordance with Section 194 of Chapter 689 of the 1991 Session Laws for across-the-board bonuses for all affected employees shall receive one and fifty hundredths percent (1.50%) of its State-paid teachers' and administrators' salaries, and the employer's contribution for social security and retirement.

Within 30 days of the first teacher workday of the 1992-93 school calendar, each local board of education shall review and reassess the differentiated pay plan that was in effect for the unit for the 1990-91 school year and shall determine whether the plan should be reinstated, reinstated with modifications, or replaced with a different plan. Within 60 days of the first teacher workday of the 1992-93 school year, the local board shall present to affected employees for their review and vote a differentiated pay plan for the 1992-93 school year only. The proposed differentiated pay plan shall take effect on or after November 1, 1992. The proposed differentiated pay plan may be a continuation or modification of the plan for the 1990-91 school year that was adopted in accordance with the School Improvement and Accountability Act of 1989 or it may be a new differentiated pay plan developed in accordance with the School Improvement and Accountability Act of 1989. The proposed differentiated pay plan shall not be a proposal for across-the-board bonuses for all affected employees.

The vote shall be by secret ballot. All of the certificated instructional staff members, instructional support staff members, and certificated administrators who are eligible to receive funds for differentiated pay under the School Improvement and Accountability Act of 1989 may vote. The local board shall immediately submit the option that receives a majority of all the votes cast to the Superintendent of Public Instruction for his approval. A differentiated pay plan shall become effective upon the approval of the Superintendent.

(d) All local school administrative units, including career ladder pilot units, shall adopt new differentiated pay plans for the 1993-94 school year, in accordance with the School Improvement and Accountability Act of 1989.

(e) With regard to the amount of State funds appropriated in subsequent fiscal years for local school administrative units that were career ladder pilot units, it is the intent of the General Assembly that any reductions in appropriations not result in teachers receiving less, in salary and State-funded bonus, than they received on a monthly basis during the prior fiscal year so long as the teachers qualify for bonuses under the local differentiated pay plan.

(f) Subsections (a) through (c) of this section do not apply to any funds appropriated for the career ladder pilot units.

With regard to a local school administrative unit that resulted from the merger of a career ladder pilot unit and another unit, subsections (a) through (c) of this section shall apply only to funds received under this section to administer the School Improvement and Accountability Act of 1989.

Requested by: Senators Barnes, Ward,
Representatives Diamont, Nesbitt, Barnes, Fussell, Payne

TEACHER SALARY SCHEDULE

Sec. 72. (a) The Director of the Budget may transfer from the Reserve for Salary Increases for the 1992-93 fiscal year funds necessary to implement the teacher salary schedule set out in subsection (b) of this section, including funds for the employer's retirement and social security contributions and funds for annual longevity payments at one percent (1%) of base salary for 10 to 14 years of State service, one and one-half percent (1.5%) of base salary for 15 to 19 years of State service, two percent (2%) of base salary for 20 to 24 years of State service, and two and one-half percent (2.5%) of base salary for 25 years of State service, commencing July 1, 1992, for all teachers whose salaries are supported from the State's General Fund. These funds shall be allocated to individuals according to rules adopted by the State Board of Education and the Superintendent of Public Instruction. The longevity payment shall be paid in a lump sum once a year.

(b)(1) Beginning July 1, 1992, the following monthly salary schedule shall apply to certified personnel of the public schools who are classified as "A" teachers. The schedule contains 30 steps with each step corresponding to one year of teaching experience.

Years of Experience	1992-93 Salary
00	$1,982
01	2,022
02	2,062
03	2,103
04	2,145
05	2,188
06	2,232
07	2,277
08	2,323
09	2,369
10	2,416
11	2,464
12	2,513
13	2,563
14	2,614
15	2,666
16	2,719
17	2,773
18	2,828

19	2,885
20	2,943
21	3,002
22	3,062
23	3,123
24	3,185
25	3,249
26	3,314
27	3,380
28	3,448
29+	3,517

(2) Beginning July 1, 1992, the following monthly salary schedule shall apply to certified personnel of the public schools who are classified as "G" teachers. The schedule contains 30 steps with each step corresponding to one year of teaching experience.

Years of Experience	1992-93 Salary
00	$2,106
01	2,148
02	2,191
03	2,235
04	2,280
05	2,326
06	2,373
07	2,420
08	2,468
09	2,517
10	2,567
11	2,618
12	2,670
13	2,723
14	2,777
15	2,833
16	2,890
17	2,948
18	3,007
19	3,067
20	3,128
21	3,191
22	3,255
23	3,320
24	3,386
25	3,454
26	3,523
27	3,593
28	3,665
29+	3,738

(3) Beginning July 1, 1992, the following monthly salary schedule shall apply to certified public school teachers with certification based on academic preparation at the six-year degree level. The schedule contains 30 steps with each step corresponding to one year of teaching experience.

Years of Experience	1992-93 Salary
00	$2,159
01	2,202
02	2,246
03	2,291
04	2,337
05	2,384
06	2,432
07	2,481
08	2,531
09	2,582
10	2,634
11	2,687
12	2,741
13	2,796
14	2,852
15	2,909
16	2,967
17	3,026
18	3,087
19	3,149
20	3,212
21	3,276
22	3,342
23	3,409
24	3,477
25	3,547
26	3,618
27	3,690
28	3,764
29+	3,839

(4) Beginning July 1, 1992, the following monthly salary schedule shall apply to certified public school teachers with certification based on academic preparation at the doctoral degree level. The schedule contains 30 steps with each step corresponding to one year of teaching experience.

Years of Experience	1992-93 Salary
00	$2,211
01	2,255
02	2,300
03	2,346
04	2,393
05	2,441
06	2,490
07	2,540
08	2,591
09	2,643
10	2,696
11	2,750
12	2,805
13	2,861
14	2,918
15	2,976

16	3,036
17	3,097
18	3,159
19	3,222
20	3,286
21	3,352
22	3,419
23	3,487
24	3,557
25	3,628
26	3,701
27	3,775
28	3,851
29+	3,928

(c) The General Assembly finds that it is necessary to have a teacher salary schedule based on years of teaching experience that applies consistently to all teachers throughout the State; therefore, notwithstanding any other provision of law, the salary schedule set out in this section shall apply to all public school teachers within the State and no teacher in any local school administrative unit shall be entitled to a State salary or a State salary and bonus, except as provided in a local differentiated pay plan, in excess of the amount set out in this section.

(d) The first step of the salary schedule for school psychologists shall be equivalent to Step 5, corresponding to five years of experience, on the salary schedule established in this section for certified personnel of the public schools who are classified as "G" teachers. Certified psychologists shall be placed on the salary schedule at an appropriate step based on their years of experience. Certified psychologists shall receive longevity payments based on years of State service in the same manner as teachers.

Requested by: Senator Ward,
Representatives Fussell, Payne, Nesbitt

PRELIMINARY SCHOLASTIC APTITUDE TEST OPPORTUNITIES

Sec. 73. The State Board of Education may allocate up to five hundred twenty-five thousand dollars ($525,000) of the funds available for aid to local school administrative units for the 1992-93 fiscal year to give students the opportunity to take the Preliminary Scholastic Aptitude Test, as authorized in G.S. 115C-174.18.

It is the intent of the General Assembly to put funds for this purpose in the continuation budget for the 1993-95 fiscal biennium.

Requested by: Senators Warren, Ward,
Representatives Fussell, Payne, Rogers, Diamont, Barnes

PUBLIC SCHOOL TUITION STUDY/OUT-OF-STATE STUDENTS

Sec. 74. The Joint Legislative Education Oversight Committee shall study the issue of requiring out-of-state students who attend public schools in North Carolina to pay the full cost of their education. The Committee shall report the results of its study to the 1993 General Assembly.

Requested by: Senators Barnes, Perdue, Ward,
Representatives Barnes, Fussell, Payne, Diamont, Nesbitt

MANAGEMENT FLEXIBILITY FOR LOCAL BOARDS OF EDUCATION AND INDIVIDUAL SCHOOLS

Sec. 75. (a) The General Assembly finds that it is appropriate to consolidate certain funding categories in the Public School Fund; therefore, 32 of the existing funding categories in the Public School Fund are combined into 14 categories as follows:

(1) 6602 - Asst Superintendent
6612 - Supervisors
(2) 6603 - Clerical Asst
6627 - Clerical School Based

(3) 6614 - Substitute Pay
6303 - Substitute Pay-Voc Ed
(4) 6684 - Instruction Equipment
6623 - Instruction Supplies
6644 - Testing Support
(5) 5400 - Driver Education Cars
6657 - Driver Education
(6) 6636 - Alcohol/Drug Abuse Prev
6635 - Alcohol/Drug Defense
6630 - Substance Abuse Counselor
(7) 6659 - Staff Development
6691 - Staff Dev-Finance Officer
6617 - Staff Dev-Child Nutr Supr
(8) 6670 - Exceptional Children
6696 - Except Child Related Ser
(9) 6610 - Bus Driver
6611 - Transportation Personnel
(10) 6624 - Tires, Repair Parts
6625 - Fuel-Buses
6626 - Transportation-Other Exp
(11) 6619 - Social Security
6304 - Soc Security-Voc Ed
(12) 6618 - State Retirement
6305 - State Retirement-Voc Ed
(13) 6615 - Medical Insurance
6306 - Medical Insurance-Voc Ed
(14) 6669 - Longevity
6347 - Longevity-Voc Ed

(b) The following four funding categories are transferred from the Public School Fund to Fund 1900 - Reserves and Transfers:

(1) 6991 - Health Adventure
(2) 6992 - Cued Speech Center
(3) 6993 - Public School Forum
(4) 8180 - Children's Trust Fund.

(c) The Office of State Budget and Management shall retain the funding categories for the Public School Fund not combined or transferred by subsections (a) and (b) of this section and shall reorganize them in a more rational and orderly manner.

(d) The following two funding categories are transferred from the Department of Public Instruction to Fund 1900 - Reserves and Transfers:

(1) 8128 - Teaching Fellows
(2) 8171 - Prospective Teacher Loan.

Sec. 75.1. (a) G.S. 115C-238.1 reads as rewritten:

"**§ 115C-238.1. Performance-based Accountability Program; development and implementation by State Board.**

The General Assembly believes that all children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the ~~The~~ State Board of Education shall develop and implement a Performance-based Accountability Program. The primary goal of the Program shall be to improve student performance. The State Board of Education shall adopt:

(1) Procedures and guidelines through which, beginning with the 1990-91 fiscal year, local school administrative units may participate in the Program;
(2) Guidelines for developing local school improvement plans with ~~three-to-five-year~~ three-year student performance goals and annual milestones to measure progress in meeting those goals; and

(3) A set of student performance indicators for measuring and assessing student performance in the participating local school administrative units. These indicators may include attendance rates, dropout rates, test scores, parent involvement, and post-secondary outcomes."

(b) G.S. 115C-238.3 reads as rewritten:

"**§ 115C-238.3. ~~Elements~~ Development of local plans; elements of local plans.**

(a) Development of systemwide plan by the local board of education. — The board of education of a local school administrative unit that elects to participate in the Program shall develop and submit a local school improvement plan for the entire local school administrative unit to the State Superintendent of Public Instruction before April 15 of the fiscal year preceding the fiscal year in which participation is sought. ~~The local board of education shall actively involve a substantial number of teachers, school administrators, and other school staff in developing the local school improvement plan.~~

A systemwide improvement plan shall remain in effect for no more than three years.

(b) Establishment of student performance goals by the local board of education for the systemwide plan. — ~~The local school improvement plan shall set forth (i) the~~ The local board of education shall establish student performance goals ~~established by the local board of education~~ for the local school administrative ~~unit and (ii) the unit's strategies and plans for attaining them.~~ unit. The local board of education shall actively involve an advisory panel composed of a substantial number of teachers, school administrators, other school staff, and parents of children enrolled in the local school administrative unit, in developing the student performance goals for the local school improvement plan. It is the intent of the General Assembly that teachers have a major role in developing the student performance goals for the local school improvement plan; therefore, at least half of the staff members participating in this advisory panel shall be teachers. The teachers in the local school administrative unit shall select the teachers who are involved in the advisory panel.

The performance goals for the local school administrative unit shall address specific, measurable goals for all student performance indicators adopted by the State Board. Factors that determine gains in achievement vary from school to school; therefore, socioeconomic factors and previous student performance indicators shall be used as the basis of the local school improvement plan.

(b1) Development by each school of strategies for attaining local student performance goals. — ~~The strategies for attaining the local student performance goals shall be based on plans for each individual school in the local school administrative unit.~~ The principal of each ~~school and his staff~~ school, representatives of the building-level staff, and parents of children enrolled in the school shall develop a building-level plan to address student performance goals appropriate to ~~the~~ that school from those established by the local board of education. These strategies may include requests for waivers of State laws, regulations, or policies for that school. A request for a waiver shall (i) identify the State laws, regulations, or policies that inhibit the local unit's ability to reach its local accountability goals, (ii) set out with specificity the circumstances under which the waiver may be used, and (iii) explain how a waiver of those laws, regulations, or policies will permit the local unit to reach its local goals.

Support among affected staff members is essential to successful implementation of a building-level plan to address student performance goals appropriate to a school; therefore, the principal of the school shall present the proposed building-level plan to all of the staff assigned to the school building for their review and vote. The vote shall be by secret ballot. The principal may submit the building-level plan to the local board of education for inclusion in the systemwide plan only if the proposed building-level plan has the approval of a majority of the staff who voted on the plan.

The local board of education shall accept or reject the building-level plan. The local board shall not make any substantive changes in any building-level plan that it accepts; the local board shall set out any building-level plan that it accepts in the systemwide

plan. If the local board rejects a building-level plan, the local board shall state with specificity its reasons for rejecting the plan; the principal of the school for which the plan was rejected, representatives of the building-level staff, and parents of children enrolled in the school may then prepare another plan, present it to the building-level staff for a vote, and submit it to the local board for inclusion in the systemwide plan. If no building-level plan is accepted for a school before March 15 of the fiscal year preceding the fiscal year in which participation is sought, the local board may develop a plan for the school for inclusion in the systemwide plan; the General Assembly urges the local board to utilize the proposed building-level plan to the maximum extent possible when developing such a plan.

(c) Development by each school of a differentiated pay plan for that school; development by the local board of education of a differentiated pay plan for central office personnel. —

(1) The local school administrative unit shall consider a plan for differentiated pay. The local plan shall include a plan for differentiated pay, in accordance with G.S. 115C-238.4, unless the local school administrative unit elects not to participate in any differentiated pay plan.

(2) The principal of each school, representatives of the building-level staff, and parents of children enrolled in the school shall develop a building-level differentiated pay plan for the school when they develop their building-level plan to address student performance goals appropriate to the school.

Support among affected staff members is essential to successful implementation of a building-level differentiated pay plan; therefore, the principal of the school shall present the proposed building-level plan to all of the staff eligible to receive differentiated pay, in accordance with G.S. 115C-238.4(a), for their review and vote. The vote shall be by secret ballot. The principal may submit the building-level differentiated pay plan to the local board of education only if the proposed building-level differentiated pay plan has the approval of a majority of the staff who voted on the plan.

The local board of education shall accept or reject the building-level differentiated pay plan. The local board shall not make any substantive changes in any building-level plan that it accepts; the local board shall set out any building-level plan that it accepts in the systemwide differentiated pay plan. If the local board rejects a building-level plan, the local board shall state with specificity its reasons for rejecting the plan; the principal of the school for which the plan was rejected, representatives of the building-level staff, and parents of children enrolled in the school may then prepare another plan, present it to all of the staff eligible to receive differentiated pay, in accordance with G.S. 115C-238.4(a), for a vote, and submit it to the local board for inclusion in the systemwide plan. If no building-level plan is accepted for a school before March 15 of the fiscal year preceding the fiscal year in which participation is sought, the local board may develop a plan for the school building for inclusion in the systemwide plan; the General Assembly urges the local board to utilize the proposed building-level plan to the maximum extent possible when developing such a plan.

(3) The local board of education shall develop a plan for differentiated pay for all central office personnel eligible to receive differentiated pay, in accordance with G.S. 115C-238.4(a), and shall include the plan in the systemwide differentiated pay plan.

(4) A systemwide differentiated pay plan shall remain in effect for no more than three years. At the end of three years, a plan to continue, discontinue, or modify that differentiated pay plan shall be developed in accordance with subdivisions (2) and (3) of this subsection.

~~(d) The local plan may include a request for a waiver of State laws, regulations, or policies. The request for a waiver shall identify the State laws, regulations, or policies that inhibit the local unit's ability to reach its local accountability goals and shall explain how a waiver of those laws, regulations, or policies will permit the local unit to reach its local goals.~~"

(c) G.S. 115C-238.4 reads as rewritten:

"**§ 115C-238.4. Differentiated pay.**

(a) Local school administrative units may include, but are not required to include, a systemwide differentiated pay plan for certified instructional staff, certified instructional support staff, and certified administrative staff as a part of their local school improvement plans. Units electing to include differentiated pay plans in their school improvement plans shall base their differentiated pay plans on:

(1) ~~The Career Development Pilot Program, G.S. 115C-363 et seq.;~~ A career development pilot program;

(2) ~~The Lead Teacher Pilot Program, G.S. 115C-363.28 et seq.;~~ A lead teacher pilot program;

(3) A locally designed school-based performance program, subject to limitations and guidelines adopted by the State Board of Education;

(4) A differentiated pay plan that the State Board of Education finds has been successfully implemented in another state; or

(5) A locally designed plan including any combination or modification of the foregoing plans.

A differentiated pay plan may also authorize the use of State differentiated pay funds for staff development and planning activities and for paying substitute teachers as is necessary to provide time for staff development and planning activities.

(b) ~~Support among affected staff members is essential to successful implementation of a differentiated pay plan; therefore, a local board of education that decides that a differentiated pay plan should be included in its local school improvement plan shall present a proposed differentiated pay plan to affected staff members for their review and vote. The vote shall be by secret ballot. The local board of education shall include the proposed differentiated pay plan in its local school improvement plan only if the proposed plan has the approval of a majority of the affected paid certificated instructional and instructional support staff and a majority of the affected certificated administrators.~~

~~Every three years after a differentiated pay plan receives such approval, the local board of education shall present a proposed plan to continue, discontinue, or modify that differentiated pay plan to affected staff members for their review and vote. The vote shall be by secret ballot. The local board of education shall include the proposed plan in its local school improvement plan only if the proposed plan has the approval of a majority of the affected paid certificated instructional and instructional support staff and a majority of the affected certificated administrators.~~

Differentiated pay plans shall be developed and voted on in accordance with G.S. 115C-238.3(c).

~~(c) Local school administrative units electing to participate in a differentiated pay plan shall receive State funds according to the terms of the plan but not to exceed:~~

~~(1) 1990-91: two percent (2%) of teacher and administrator salaries, and the employer's contributions for social security and retirement;~~

~~(2) 1991-92: three percent (3%) of teacher and administrator salaries, and the employer's contributions for social security and retirement;~~

~~(3) 1992-93: four percent (4%) of teacher and administrator salaries, and the employer's contributions for social security and retirement;~~

~~(4) 1993-94: five and one-half percent (5 1/2%) of teacher and administrator salaries, and the employer's contributions for social security and retirement; and~~

~~(5) 1994-95 and thereafter: seven percent (7%) of teacher and administrator salaries, and the employer's contributions for social security and retirement.~~

Any differentiated pay plan developed in accordance with this section shall be implemented within State and local funds available for differentiated pay.

~~(d) Attainment of the equivalent of Career Status I shall be rewarded through a new salary schedule that provides a salary differential when a certified educator successfully completes his probationary period.~~

(e) Any additional compensation received by an employee as a result of the unit's participation in the Program shall be paid as a bonus or supplement to the employee's regular salary. If an employee in a participating unit does not receive additional compensation, such failure to receive additional compensation shall not be construed as a demotion, as that term is used in G.S. 115C-325.

Payments of bonuses or supplements shall be made no more frequently than once every calendar quarter: Provided, however, prior to the 1994-95 school year, payments in the career development pilot units may be made on a monthly basis.

(f) If a local school administrative unit bases its differentiated pay plan on a locally designed school-based performance program, pursuant to subdivision (a)(3) of this section, the plan shall provide that following the attainment of the local school goals, the local board of education shall make a determination of which certified staff members contributed to the attainment of those goals. Differentiated pay bonuses shall then be distributed to those designated employees. The local board of education shall make the determination upon recommendation of (i) the superintendent and (ii) any other person or committee designated in the local differentiated pay plan. The other person or committee designated in the local differentiated pay plan may be the principal, a school-based committee, or any other person or local committee."

(d) G.S. 115C-238.6 reads as rewritten:

"§ 115C-238.6. Approval of local school administrative unit plans by the State Superintendent; conditions for continued participation.

(a) Prior to June 30 each year, the State Superintendent shall review local school improvement plans submitted by the local school administrative units in accordance with policies and performance indicators adopted by the State Board of Education. If the State Superintendent approves the plan for a local school administrative unit, that unit shall participate in the Program for the next fiscal year.

If a local plan contains a request for a waiver of State laws, regulations, or policies, in accordance with ~~G.S. 115C-238.3(d)~~ G.S. 115C-238.3(b1), the State Superintendent shall determine whether and to what extent the identified laws, regulations, or policies should be waived. The State Superintendent shall present that plan and his determination to the State Board of Education. If the State Board of Education deems it necessary to do so to enable a local unit to reach its local accountability goals, the State Board, only upon the recommendation of the State Superintendent, may grant waivers of:

(1) State laws pertaining to class size, teacher certification, assignment of teacher assistants, the use of State-adopted textbooks, and the purposes for which State funds for the public schools, except for funds for school health coordinators, may be used: Provided, however, the State Board of Education shall not permit the use of funds for teachers for expanded programs under the Basic Education Program for any other purpose;

(2) All State regulations and policies, except those pertaining to State salary schedules and employee benefits for school employees, the instructional program that must be offered under the Basic Education Program, the system of employment for public school teachers and administrators set out in G.S. 115C-325, health and safety codes, compulsory school attendance, the minimum lengths of the school day and year, and the Uniform Education Reporting System.

Waivers shall be granted only for the specific schools for which they are requested in building-level plans and shall be used only under the specific circumstances for which they are requested.

(b) Local school administrative units shall continue to participate in the Program and receive funds for differentiated pay, if their local plans call for differentiated pay, so long as (i) they demonstrate satisfactory progress toward student performance goals set out in their local school improvement plans; or (ii) once their local goals are met, they continue to achieve their local goals and they otherwise demonstrate satisfactory performance, as determined by the State Superintendent in accordance with guidelines set by the State Board of Education.

If the local school administrative units do not achieve their goals after two years, the Department of Public Instruction shall provide them with technical assistance to help them meet their goals. If after one additional year they do not achieve their goals, the State Board of Education shall decide what steps shall be taken to improve the education of students in the unit."

(e) G.S. 115C-12(9) is amended by adding a new sub-subdivision to read:

"(9) Miscellaneous Powers and Duties. — All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

a. To certify and regulate the grade and salary of teachers and other school employees.

b. To adopt and supply textbooks.

c. To adopt rules requiring all local boards of education to implement the Basic Education Program on an incremental basis within funds appropriated for that purpose by the General Assembly and by units of local government. Beginning with the 1991-92 school year, the rules shall require each local school administrative unit to implement fully the standard course of study in every school in the State in accordance with the Basic Education Program so that every student in the State shall have equal access to the curriculum as provided in the Basic Education Program and the standard course of study.

The Board shall establish benchmarks by which to measure the progress that each local board of education has made in implementing the Basic Education Program. The Board shall report to the Joint Legislative Education Oversight Committee and to the General Assembly by December 31, 1991, and by February 1 of each subsequent year on each local board's progress in implementing the Basic Education Program, including the use of State and local funds for the Basic Education Program.

The Board shall develop a State accreditation program that meets or exceeds the standards and requirements of the Basic Education Program. The Board shall require each local school administrative unit to comply with the State accreditation program to the extent that funds have been made available to the local school administrative unit for implementation of the Basic Education Program.

The Board shall use the State accreditation program to monitor the implementation of the Basic Education Program.

c1. To issue an annual 'report card' for the State and for each local school administrative unit, assessing each unit's efforts to improve student performance and taking into account progress over the previous years' level of performance and the State's performance in comparison with other states. This assessment shall take into account demographic, economic, and other factors that have been shown to affect student performance.

c2. To develop management accountability indicators to measure the efficiency and appropriate use of staff in each school and at the administrative office. Staff development for school administrators shall be a high priority of the Department of Public Instruction.

c3. To develop a system of school building improvement reports for each school building. The purpose of school building improvement reports is to measure improvement in student performance at each school building from year to year, not to compare school buildings. The Board may consider for inclusion in the building reports the following criteria: test scores, the success of graduating students in postsecondary institutions, attendance, graduation and dropout rates, the numbers of children enrolled in free lunch or Chapter 1 programs, the education level of the parents of children enrolled in the school, the teaching experience of the school staff, and whether the building has been successful in meeting the goals of the building and systemwide plans developed in accordance with G.S. 115C-238.1 through G.S. 115C-238.6. Local school administrative units shall produce school building improvement reports by March 15, 1995, and annually thereafter. Each report shall be based on building-level data for the prior school year.

d. To formulate rules and regulations for the enforcement of the compulsory attendance law.

e. To manage and operate a system of insurance for public school property, as provided in Article 38 of this Chapter.

In making substantial policy changes in administration, curriculum, or programs the Board should conduct hearings throughout the regions of the State, whenever feasible, in order that the public may be heard regarding these matters."

(f) G.S. 115C-47 is amended by adding a new subdivision to read:

"(35) To produce school building improvement reports. — Each administrative unit shall produce school building improvement reports for each school building in the local school administrative unit, in accordance with G.S. 115C-12(9)c3."

(g) The State Board of Education shall submit its proposed plan to develop and implement a system for building improvement reports to the Joint Legislative Education Oversight Committee no later than December 31, 1992. The Joint Legislative Education Oversight Committee shall submit a proposed plan to the 1993 General Assembly for its approval during its 1993 session.

(h) G.S. 115C-81(a) reads as rewritten:

"(a) The General Assembly believes that all children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the ~~The~~ State Board of Education shall adopt a Basic Education Program for the public schools of the State. Before it adopts or revises the Basic Education Program, the State Board shall consult with an Advisory Committee, including at least eight members of local boards of education, that the State Board appoints from a list of nominees submitted by the North Carolina School Boards Association. The State Board shall report annually to the General Assembly on any changes it has made in the program in the preceding 12 months and any changes it is considering for the next 12 months.

~~The State Board of Education shall review the Basic Education Program in an effort to (i) simplify the Basic Education Program, especially the standard course of study and the core curriculum for all students, and (ii) assure that the Program adopted by the State Board and implemented by the local boards of education carries out the intent of the General Assembly to provide every student in the State equal access to a Basic Education~~

~~Program. The State Board shall report the results of its review to the Joint Legislative Education Oversight Committee and to the General Assembly prior to March 15, 1992.~~

The State Board shall implement the Basic Education Program within funds appropriated for that purpose by the General Assembly and by units of local government. It is the intent of the General Assembly that until the Basic Education Program is fully funded, the implementation of the Basic Education Program shall be the focus of State educational funding. It is the goal of the General Assembly that the Basic Education Program be fully funded and completely operational in each local school administrative unit by July 1, 1995.

It is further a goal of the General Assembly to provide supplemental funds to low-wealth counties to allow those counties to enhance the instructional program and student achievement."

(i) G.S. 115C-238.13(a) reads as rewritten:

"(a) The General Assembly believes that all children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the ~~The~~ State Board of Education shall develop and implement an outcome-based education program. The State Board of Education shall select four sites to participate in the program for five fiscal years beginning with the 1992-93 fiscal year. The first year of the project shall be a year for the sites to plan their projects. The remaining four years shall be to implement the projects and to demonstrate their effectiveness."

(j) Article 24B of Chapter 115C of the General Statutes is repealed.

(k) Article 24D of Chapter 115C of the General Statutes is repealed.

(l) This section is effective upon ratification. Subsections (a) through (d) of this section apply to all local school improvement plans developed after ratification of this act. All participating units shall develop new school improvement plans in accordance with this act for the 1993-94 school year.

Requested by: Senators Perdue, Ward,
Representatives Fussell, Payne

SCHOOL SITE-BASED MANAGEMENT

Sec. 76. (a) Part 4 of Article 15 of Chapter 115C of the General Statutes is amended by adding a section to read:

"§ 115C-238.7. Creation of the Task Force on Site-Based Management; appointment of a Director of the Task Force of Site-Based Management.

(a) There is created the Task Force on Site-Based Management within the Department of Public Instruction.

The Task Force shall be composed of 15 members appointed as follows:

(1) The Superintendent of Public Instruction;

(2) One member of the State Board of Education appointed by the State Board of Education;

(3) Two members of the Senate appointed by the President Pro Tempore of the Senate;

(4) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(5) One member of a local board of education appointed by the President Pro Tempore of the Senate after receiving recommendations from The North Carolina State School Boards Association, Inc.;

(6) One member of a local board of education appointed by the Speaker of the House of Representatives after receiving recommendations from The North Carolina State School Boards Association, Inc.;

(7) One local school superintendent appointed by the President Pro Tempore of the Senate after receiving recommendations from the North Carolina Association of School Administrators;

(8) One local school superintendent appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of School Administrators;

(9) One school principal appointed by the President Pro Tempore of the Senate after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals;

(10) One school principal appointed by the Speaker of the House of Representatives after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals;

(11) One school teacher appointed by the President Pro Tempore of the Senate after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;

(12) One school teacher appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.; and

(13) The Director of the Task Force on Site-Based Management, appointed by the Superintendent of Public Instruction in accordance with subsection (d) of this section.

Members of the Task Force shall serve for two-year terms.

All members of the Task Force shall be voting members. Vacancies in the appointed membership shall be filled by the officer who made the initial appointment. The Director of the Task Force on Site-Based Management shall serve as chair of the Task Force.

Members of the Task Force shall receive travel and subsistence expenses in accordance with the provisions of G.S. 120-3.1, G.S. 138-5, and G.S. 138-6.

(b) The Task Force shall:

(1) Monitor the implementation of the School Improvement and Accountability Act of 1989, as amended, especially the development and implementation of building-level plans;

(2) Advise the Director of the Task Force on Site-Based Management on how to provide training and assistance to the public schools so as to facilitate the implementation of site-based management;

(3) Review by September 1, 1992, publications produced by the Department of Public Instruction on the development and implementation of building-level plans;

(4) Report to the General Assembly within the first week of the convening of the 1993 General Assembly and biennially thereafter on the implementation of site-based management in the public schools. This report may contain a summary of recommendations for changes to any law, rule, and policy that would improve site-based management.

(c) The Department of Public Instruction shall provide staff to the Task Force at the request of the Task Force.

(d) The State Superintendent of Public Instruction shall appoint a Director of the Task Force on Site-Based Management. The Director shall direct a program in the Department of Public Instruction to provide training and assistance to the public schools to facilitate the implementation of site-based management.

The Director shall supervise such site-based management specialists from each of the six technical assistance centers of the Department of Public Instruction as may be assigned by the State Superintendent. The specialists shall work directly with the local school administrative units and with school-based committees to provide them with training and assistance to facilitate the implementation of site-based management. The specialists shall coordinate their activities with the central office."

(b) Of the funds appropriated to the Department of Public Education, for the 1992-93 fiscal year, the sum of three hundred thousand dollars ($300,000) shall be used

to carry out the provisions of G.S. 115C-238.7, as enacted by subsection (a) of this section.

Requested by: Senator Ward,
Representatives Fussell, Payne

SCHOOL TRANSPORTATION SYSTEM PENALTY

Sec. 77. (a) G.S. 115C-240(d) reads as rewritten:

"(d) The State Board of Education shall assist local boards of education by establishing guidelines and a framework through which local boards may establish, review and amend school bus routes prepared pursuant to G.S. 115C-246. The State Board shall also require local boards to implement the Transportation Information Management System or an equivalent system approved by the State Board of Education, no later than ~~July 1, 1992.~~ September 1, 1992. The State Board of Education shall also assist local boards of education with reference to the acquisition and maintenance of school buses or any other question which may arise in connection with the organization and operation of school bus transportation systems of local boards."

(b) G.S. 115C-438 reads as rewritten:

"**§ 115C-438. Provision for disbursement of State money.**

The deposit of money in the State treasury to the credit of local school administrative units shall be made in monthly installments, and additionally as necessary, at such time and in such a manner as may be most convenient for the operation of the public school system. Before an installment is credited, the school finance officer shall certify to the State Board of Education the expenditures to be made by the local school administrative unit from the State Public School Fund during the month. This certification shall be filed on or before the fifth day following the end of the month preceding the period in which the expenditures will be made. The State Board of Education shall determine whether the moneys requisitioned are due the local school administrative unit, and upon determining the amount due, shall cause the requisite amount to be credited to the local school administrative unit. Upon receiving notice from the State Treasurer of the amount placed to the credit of the local school administrative unit, the finance officer may issue State warrants up to the amount so certified.

The State Board of Education may withhold money for payment of salaries for administrative officers of local school administrative units if any report required to be filed with State school authorities is more than 30 days overdue. The State Board of Education shall withhold money for payment of salaries for the superintendent, finance officer, and all other administrative officers charged with providing payroll information pursuant to G.S. 115C-12(18), if the local school administrative unit fails to provide the payroll information to the State Board in a timely fashion and substantially in accordance with the standards set by the State Board. The State Board of Education shall also withhold money used for payment of salaries for the superintendent, transportation director, and all other administrative officers or employees charged by the local board of education or the local superintendent with implementing the Transportation Information Management System, pursuant to G.S. 115C-240(d), if the State Board finds that a local school administrative unit is not progressing in good faith and is not using its best efforts to implement the Transportation Information Management System.

Money in the State Public School Fund and State bond moneys shall be released only on warrants drawn on the State Treasurer, signed by such local official as may be required by the State Board of Education."

Requested by: Senators Conder, Ward,
Representatives Fussell, Payne, Diamont, Nesbitt

SOFT DRINK SALES

Sec. 78. G.S. 115C-264 reads as rewritten:

"**§ 115C-264. Operation.**

In the operation of their public school food programs, the public schools shall participate in the National School Lunch Program established by the federal government. The program shall be under the jurisdiction of the Division of School Food

Services of the Department of Public Instruction and in accordance with federal guidelines as established by the Child Nutrition Division of the United States Department of Agriculture.

Each school may, with the approval of the local board of education, sell soft drinks to students so long as soft drinks are not sold (i) during the lunch period, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program.

All school food services shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation as defined herein shall be used to reduce the cost of food, to serve better food, or to provide free or reduced-price lunches to indigent children and for no other purpose. The term 'cost of operation' shall be defined as actual cost incurred in the purchase and preparation of food, the salaries of all personnel directly engaged in providing food services, and the cost of nonfood supplies as outlined under standards adopted by the State Board of Education. 'Personnel' shall be defined as food service supervisors or directors, bookkeepers directly engaged in food service record keeping and those persons directly involved in preparing and serving food: Provided, that food service personnel shall be paid from the funds of food services only for services rendered in behalf of lunchroom services. Any cost incurred in the provisions and maintenance of school food services over and beyond the cost of operation shall be included in the budget request filed annually by local boards of education with boards of county commissioners. It shall not be mandatory that the provisions of G.S. 115C-522(a) and 143-129 be complied with in the purchase of supplies and food for such school food services."

Requested by: Senators Conder, Ward,
Representatives Fussell, Payne, Diamont

SCHOOL LIABILITY FOR SCHOOL PROPERTY USE LIMITED

Sec. 79. (a) G.S. 115C-524(b) reads as rewritten:

"(b) It shall be the duty of local boards of education and tax- levying authorities, in order to safeguard the investment made in public schools, to keep all school buildings in good repair to the end that all public school property shall be taken care of and be at all times in proper condition for use. It shall be the duty of all principals, teachers, and janitors to report to their respective boards of education immediately any unsanitary condition, damage to school property, or needed repair. All principals, teachers, and janitors shall be held responsible for the safekeeping of the buildings during the school session and all breakage and damage shall be repaired by those responsible for same, and where any principal or teacher shall permit damage to the public school buildings by lack of proper discipline of pupils, such principal or teacher shall be held responsible for such damage: Provided, principals and teachers shall not be held responsible for damage that they could not have prevented by reasonable supervision in the performance of their duties.

Notwithstanding the provisions of G.S. 115C-263 and 115C-264, local boards of education ~~shall have the authority to~~ may adopt rules and regulations ~~by which school buildings, including cafeterias and lunchrooms, may be used~~ under which they may enter into agreements permitting non-school groups to use school real and personal property, except for school buses, for other than school purposes so long as such use is consistent with the proper preservation and care of the public school property. No liability shall attach to any board of education, individually or collectively, for personal injury suffered by reason of the use of such school ~~property.~~ property pursuant to such agreements."

(b) This section is effective upon ratification.

Requested by: Senator Ward,
Representatives Fussell, Payne, Diamont, Nesbitt

PAYROLL DEDUCTION CLARIFIED

Sec. 80. If an employee of the State or any of its institutions, departments, bureaus, agencies, or commissions, or any of its local boards of education or community colleges, authorizes, in writing, the deduction each payroll period from the employee's

salary or wages a designated lump sum to be paid to the employees' association, in accordance with G.S. 143-3.3(g), that authorization shall remain in effect until revoked by the employee.

Requested by: Senators Warren, Ward,
Representatives Fussell, Payne, Diamont, Nesbitt, Barnes

ENSURE ADEQUATE TEXTBOOK FUNDS

Sec. 81. (a) G.S. 115C-96 reads as rewritten:

"§ 115C-96. Powers and duties of the State Board of Education in regard to textbooks.

The children of the public elementary and secondary schools of the State shall be provided with free basic textbooks within the appropriation of the General Assembly for that purpose. ~~The~~ To implement this directive, the State Board of Education ~~is directed to~~ shall evaluate annually the amount of money necessary to provide textbooks based on the actual cost and availability of textbooks and shall request sufficient appropriations from the General ~~Assembly to implement this directive.~~ Assembly.

The State Board of Education shall administer a fund and establish rules and regulations necessary to:

(1) Acquire by contract such basic textbooks as are or may be on the adopted list of the State of North Carolina which the Board finds necessary to meet the needs of the State public school system and to carry out the provisions of this Part.

(2) Provide a system of distribution of these textbooks and distribute the books that are provided without using any depository or warehouse facilities other than those operated by the State Board of Education.

(3) Provide for the free use, with proper care and return, of elementary and secondary basic textbooks. The title of said books shall be vested in the State."

(b) G.S. 143-11 reads as rewritten:

"§ 143-11. Survey of departments.

On or before the fifteenth day of December, biennially in the even-numbered years, the Director shall make a complete, careful survey of the operation and management of all the departments, bureaus, divisions, officers, boards, commissions, institutions, and agencies and undertakings of the State and all persons or corporations who use or expend State funds, in the interest of economy and efficiency, and of obtaining a working knowledge upon which to base recommendations to the General Assembly as to appropriations for maintenance and special funds and capital expenditures for the succeeding biennium. If the Director and the Commission shall agree in their recommendations for the budget for the next biennial period, he shall prepare their report in the form of a proposed budget, together with such comment and recommendations as they may deem proper to make. If the Director and Commission shall not agree in substantial particulars, the Director shall prepare the proposed budget based on his own conclusions and judgment, and the Commission or any of its members retain the right to submit separately to the General Assembly such statement of disagreement and the particulars thereof as representing their views. The budget report shall contain a complete and itemized plan of all proposed expenditures for each State department, bureau, board, division, institution, commission, State agency or undertaking, person or corporation who receives or may receive for use and expenditure any State funds, in accordance with the classification adopted by the State Controller, and of the estimated revenues and borrowings for each year in the ensuing biennial period beginning with the first day of July thereafter. Opposite each item of the proposed expenditures, the budget shall show in separate parallel columns the amount expended for the last preceding appropriation year, for the current appropriation year, and the increase or decrease. The budget shall clearly differentiate between general fund expenditures for operating and maintenance, special fund expenditures for any purpose, and proposed capital outlays.

The Director shall accompany the budget with:

(1) A budget message supporting his recommendations and outlining a financial policy and program for the ensuing biennium. The message will include an explanation of increase or decrease over past expenditures, a discussion of proposed changes in existing revenue laws and proposed bond issues, their purpose, the amount, rate of interest, term, the requirements to be attached to their issuance and the effect such issues will have upon the redemption and annual interest charges of the State debt.

(2) State Controller reports including:

a. An itemized and complete financial statement for the State at the close of the last preceding fiscal year ending June 30.

b. A statement of special funds.

(2a) A statement showing the itemized estimates of the condition of the State treasury as of the beginning and end of each of the next two appropriation years.

(3) A report on the fees charged by each State department, bureau, division, board, commission, institution, and agency during the previous fiscal year, the statutory or regulatory authority for each fee, the amount of the fee, when the amount of the fee was last changed, the number of times the fee was collected during the prior fiscal year, and the total receipts from the fee during the prior fiscal year.

(4) A statement showing the State Board of Education's request, in accordance with G.S. 115C-96, for sufficient funds to provide textbooks to public school students.

It shall be a compliance with this section by each incoming Governor, at the first session of the General Assembly in his term, to submit the budget report with the message of the outgoing Governor, if he shall deem it proper to prepare such message, together with any comments or recommendations thereon that he may see fit to make, either at the time of the submission of the said report to the General Assembly, or at such other time, or times, as he may elect and fix.

The function of the Advisory Budget Commission under this section applies only if the Director of the Budget consults with the Commission in preparation of the budget."

(c) G.S. 115C-238.5 reads as rewritten:

"**§ 115C-238.5. Flexible funding.**

(a) For fiscal years beginning with the 1990-91 fiscal year, the State Board of Education, only upon the recommendation of the State Superintendent, shall increase flexibility in the use of State funds for schools by combining into a single funding category the existing categories for instructional materials, supplies and equipment, textbooks, testing support, and drivers education except for funds for classroom teachers of drivers education. Only local school administrative units electing to participate in the Performance-based Accountability Program shall be eligible to receive this flexible funding.

(b) Notwithstanding subsection (a) of this section, for fiscal years beginning with the 1992-93 fiscal year, State funds for textbooks shall be set out in a separate allotment category.

(c) Local boards of education shall provide maximum flexibility in the use of funds to individual schools to enable them to accomplish their individual schools' goals."

(d) Subsections (a), (b), and (d) of this section are effective upon ratification. Subsection (c) of this section becomes effective July 1, 1992. Subsections (a) and (b) of this section apply to all budget requests beginning with the budget request for the 1993-95 fiscal biennium.

PART 15. COMMUNITY COLLEGES

Requested by: Senator Ward,
Representatives Fussell, Payne

HUSKINS BILL QUALITY CONTROL

Sec. 82. (a) Community college contracts with local school administrative units shall not be used by these agencies to supplant funding for a public school high school

teacher providing courses offered pursuant to G.S. 115D-20(4) who is already employed by the local school administrative unit. However, if a community college contracts with a local school administrative unit for a public high school teacher to teach a college level course, the community college shall not generate budget FTE for that course. Its reimbursement in this case shall be limited to the direct instructional costs contained in the contract, plus fifteen percent (15%) for administrative costs. In no event shall a community college contract with a local school administrative unit to provide high school level courses.

(b) The Joint Committee on College Transfer shall review this issue as it relates to community colleges and constituent institutions of The University of North Carolina. This review shall include an assessment of what constitutes college level course work. The Committee shall report the results of this review to the General Assembly and to the Joint Legislative Education Oversight Committee by March 1, 1993.

(c) The State Board of Community Colleges shall study the entire Huskins Bill issue. The Board shall report the results of its study, together with any recommendations, including any legislative proposals, to the General Assembly by March 1, 1993.

(d) This section shall remain in effect until changed by the General Assembly.

Requested by: Senator Ward,
Representatives Fussell, Payne

COMMUNITY COLLEGES/UNC DISADVANTAGED NURSING FUNDS

Sec. 83. The eighty thousand dollars ($80,000) appropriated to the Department of Community Colleges and the twenty thousand dollars ($20,000) appropriated to the Board of Governors of The University of North Carolina for the 1992-93 fiscal year for the purpose of increasing the number of disadvantaged students who successfully complete nursing school shall be used for additional academic support services for these students, including services providing tutors, peer counseling, and testing materials. These funds shall not be used to provide direct financial aid for these students.

Requested by: Senator Ward,
Representatives Fussell, Payne

IN-PLANT TRAINING/SHELTERED WORKSHOPS

Sec. 84. (a) In-Plant Training. Effective beginning with the 1992 fall quarter, the State Board of Community Colleges shall ensure that the following requirements are met with respect to in-plant training established pursuant to G.S. 115D-5(d):

(1) The instruction provided shall not duplicate or supplant existing training or training for normal job turnover;
(2) The community college shall not contract with a company to provide in-plant training to its own employees but it may contract with such a company to provide the cost of replacement of an employee who is providing the actual training and is released from regular work responsibilities. Reimbursement may also be provided for appropriate supplies and materials, as determined by the State Board of Community Colleges;
(3) The community college's course outline and a fiscal plan for operating the course shall be approved by the board of trustees. If approval is not given, the course shall be discontinued and no FTE shall be generated for that course;
(4) A reasonable limitation on hours per employee shall be established; and
(5) A community college's FTE earnings shall not exceed a reasonable percentage of the direct cost of the training.

The State Board of Community Colleges shall conduct a comprehensive review of in-plant training to clarify the role of the system as well as the general policies and procedures that have been developed to provide instruction for business and industry. The Board shall report the results of its study, together with any recommendations, including any legislative proposals, to the General Assembly by March 1, 1993.

(b) Sheltered Workshops. Effective beginning with the 1992 fall quarter, the State Board of Community Colleges shall ensure that the following considerations are addressed within the administration of the occupational extension courses offered in sheltered workshop settings and established pursuant to G.S. 115D-5(c):

(1) A reasonable limitation on instructional hours per student shall be established;

(2) An educational and fiscal plan shall be approved by the board of trustees. If approval is not given, the course shall be discontinued and no FTE shall be generated for that course;

(3) There shall be a policy prohibiting the duplication of training and the supplanting of costs; and

(4) A community college's FTE earnings shall not exceed a reasonable percentage of the direct cost of the training.

The State Board of Community Colleges shall conduct a comprehensive review of training provided to sheltered workshops and Adult Developmental Activities Program (ADAP) centers to clarify the role of the system as well as the general policies and procedures that have been developed to provide instruction at these locations. The Board shall report the results of its study, together with any recommendations, including any legislative proposals, to the General Assembly by March 1, 1993.

(c) Effective July 1, 1993, the funding for community college occupational extension training for sheltered workshops and in-plant training programs shall be limited to direct instructional cost plus fifteen percent (15%) of that amount for administrative costs, unless amended by the 1993 General Assembly after receiving recommendations from the State Board of Community Colleges.

Requested by: Senator Ward,
Representatives Fussell, Payne

NEW AND EXPANDING INDUSTRY PROGRAM FUNDS

Sec. 85. Notwithstanding any law to the contrary, the Department of Community Colleges may transfer available and uncommitted funds into the New and Expanded Industry Program, if it determines that there is a need to meet additional training needs over and above those currently budgeted and if the Director of the Budget concurs.

Requested by: Senator Ward,
Representatives Payne, Fussell

COMMUNITY COLLEGE TUITION INCREASE

Sec. 86. Section 203 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 203. The State Board of Community Colleges shall adopt tuition rates beginning in the fall quarter of 1991 in the amount of eleven dollars and fifty cents ($11.50) per credit hour up to a cap of 14 credit hours for in-State students and one hundred seven dollars and fifty cents ($107.50) per credit hour with a cap of 14 hours for out-of-State students. The State Board of Community Colleges shall adopt tuition rates beginning in the fall quarter of 1992 in the amount of thirteen dollars and twenty-five cents ($13.25) per credit hour up to a cap of 14 credit hours for in-State students and one hundred seven dollars and fifty cents ($107.50) per credit hour with a cap of 14 hours for out-of-State students.

The State Board of Community Colleges shall adopt tuition rates beginning in the fall quarter of 1991 in the amount of thirty dollars ($30.00) per course for occupational extension courses. The State Board of Community Colleges shall adopt tuition rates beginning in the fall quarter of 1992 in the amount of thirty-five dollars ($35.00) per course for occupational extension courses."

Requested by: Senator Ward,
Representatives Fussell, Payne

WORKER TRAINING TRUST FUND

Sec. 87. Section 141 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 141. (a) There is appropriated from the Worker Training Trust Fund to the Employment Security Commission of North Carolina the sum of ~~$5,459,673~~ five million four hundred fifty-nine thousand six hundred seventy-three dollars ($5,459,673) for the 1991-92 fiscal year and the sum of ~~$6,059,673~~ five million eight hundred thirty-nine thousand nine hundred sixty-four dollars ($5,839,964) for the 1992-93 fiscal year for the operation of local offices at the 1986-87 level of service.

(b) Notwithstanding G.S. 96-5(c), there is appropriated from the Special Employment Security Administration Fund to the Employment Security Commission of North Carolina, the sum of ~~$2,000,000~~ two million dollars ($2,000,000) for the 1991-92 fiscal year and the sum of ~~$2,000,000~~ two million dollars ($2,000,000) for the 1992-93 fiscal year for administration of the Veterans Employment Program, Employment Services Program, and Unemployment Insurance Program.

(c) Supplemental federal funds or other additional funds received by the Employment Security Commission for similar purposes shall be expended prior to the expenditure of funds appropriated by this section.

(d) Notwithstanding the provisions of G.S. 96-5(f), there is appropriated from the Worker Training Trust Fund to the following agencies the following sums for the 1991-92 and the 1992-93 fiscal years for the following purposes:

(1) $3,000,000 for the 1991-92 fiscal year and $2,400,000 for the 1992-93 fiscal year to the Department of Economic and Community Development, Division of Employment and Training, for the Employment and Training Grant Program.

(2) $500,000 for the 1991-92 fiscal year and ~~$500,000~~ $1,000,000 for the 1992-93 fiscal year to the North Carolina Department of Labor for customized training of the unemployed and the working poor for specific jobs needed by employers through the Department's Pre-Apprenticeship Division.

(3) $2,000,000 for the 1991-92 fiscal year and ~~$2,000,000~~ $2,489,036 for the 1992-93 fiscal year to the North Carolina Department of Human Resources to assist welfare recipients in gaining employment through the federally funded Job Opportunities and Basic Skills Program in such a way as to gain the maximum match of federal funds for the State dollars ~~appropriated.~~ appropriated, provided that the $489,036 in expansion funds for the 1992-93 fiscal year shall be used for computer equipment for every county participating in the Job Opportunities and Basic Skills Program.

(4) $1,250,000 for the 1991-92 fiscal year and ~~$1,250,000~~ $1,746,000 for the 1992-93 fiscal year to the North Carolina Department of Community Colleges to continue the Focused Industrial Training ~~Program.~~ Program, provided that the $496,000 in expansion funds for the 1992-93 fiscal year shall be used to increase the annual funding for the 31 existing FIT centers from an average of $74,000 to an average of $90,000.

(5) $150,000 for the 1992-93 fiscal year to the Department of Public Education and $150,000 for the 1992-93 fiscal year to the Department of Community Colleges, for a program of training in entrepreneurial skills to be operated by North Carolina REAL Enterprises.

(6) $225,000 for the 1992-93 fiscal year to the Employment Security Commission for the North Carolina Occupational Information Coordinating Committee to develop and operate an interagency system to track former participants in State education and training programs."

Requested by: Senator Ward,
Representatives Payne, Fussell

COMMUNITY COLLEGES/SMALL BUSINESS CENTER FUNDS

Sec. 88. Those community colleges that received State funds for small business centers during the 1991-92 fiscal year shall continue to receive State funds at the same level for their small business centers during the 1992-93 fiscal year.

Requested by: Senators Royall, Ward,
Representatives Payne, Fussell

MAINTENANCE OF PLANT ALLOTMENT

Sec. 89. (a) Effective July 1, 1992, community colleges that have previously received "operation of plant" funds pursuant to G.S. 115D-2(4) and that are no longer eligible to receive them may use State funds allotted to them by the operating formula to replace up to seventy percent (70%) of the amount they received for the 1991-92 fiscal year in "operation of plant" State allocation.

(b) Effective July 1, 1993, these colleges may use State funds allotted to them by the operating formula to replace up to thirty-five percent (35%) of the 1991-92 "operation of plant" State allocation.

(c) Effective July 1, 1994, only those colleges that meet the criteria for "operation of plant" funds may use State money for that purpose.

PART 16. COLLEGES AND UNIVERSITIES

Requested by: Senators Warren, Ward,
Representatives Payne, Fussell

USE OF ECU SPECIAL RECEIPT FUNDS

Sec. 90. (a) Section 92(a) of Chapter 752 of the 1989 Session Laws, as amended by Section 86 of Chapter 1066 of the 1989 Session Laws, Regular Session 1990, reads as rewritten:

"(a) Effective ~~July 1, 1989~~ July 1, 1991, funds appropriated to the Board of Governors of The University of North Carolina for the East Carolina University School of Medicine ~~for~~ from reimbursements from the Medicare ~~education~~ Education Program shall be allocated as follows:

(1) That portion of the Medicare reimbursement that can be identified as having been generated through the effort and at the expense of the ~~School's~~ ECU School of Medicine's Medical Faculty Practice Plan shall be transferred to the appropriate Medical Faculty Practice Plan account within the ~~School;~~ ECU School of Medicine; and

(2) The remainder of the funds received before June 26, 1992, shall be transferred to a special nonreverting account within the ~~School.~~ ECU School of Medicine.

Funds deposited in the account pursuant to subdivision (2) of this ~~section~~ subsection shall be spent for nonrecurring items of equipment and facilities that are required to maintain the ECU School of Medicine's teaching facilities within Pitt County Memorial Hospital and the Brody Medical Sciences Building.

The total amount allocated pursuant to subdivisions (1) and (2) of this subsection shall not exceed two million four hundred thousand dollars ($2,400,000)."

(b) The Joint Legislative Commission on Governmental Operations shall study the issue of the disposition of receipts at the East Carolina University School of Medicine, including the following:

(1) Receipts generated from the reimbursements from the Medicare Education Program;

(2) Revenue received from patients or health insurance companies for the facility costs portion of treatment received in the Radiation Therapy Facility; and

(3) Funds received by the East Carolina School of Medicine from Pitt County Memorial Hospital for the lease of the Magnetic Resonance Imaging (MRI) building and equipment.

The Commission shall make a recommendation to the General Assembly by March 1, 1993, on the use of these funds.

Requested by: Senators Lee, Ward,
Representatives Payne, Fussell

FAYETTEVILLE STATE/UNC-CH MATH - SCIENCE NETWORK FUNDS

Sec. 91. (a) Of the funds available to The Board of Governors of The University of North Carolina for the 1992-93 fiscal year, the sum of two hundred eighty thousand dollars ($280,000) shall be used to provide funding for the Mathematics and Science Education Network Program at Fayetteville State University and the University of North Carolina at Chapel Hill. These funds shall be allocated as follows:

(1) $130,000 to Fayetteville State University; and

(2) $150,000 to the University of North Carolina at Chapel Hill.

(b) The Board of Governors shall request funds for this item in its continuation budget presented to the 1993 General Assembly for the 1993-95 fiscal biennium.

Requested by: Senator Ward,
Representatives Payne, Fussell

UNIVERSITY OF NORTH CAROLINA GRADUATION RATES

Sec. 92. The Board of Governors of The University of North Carolina shall adopt policies that will encourage the constituent institutions to have their students complete their degrees more quickly. A plan for implementation of these policies, including means of measuring its success and progress, shall be presented to the 1993 General Assembly by February 1, 1993.

Requested by: Senators Sherron, Ward,
Representatives Payne, Fussell

NONWOVENS COOPERATIVE RESEARCH CENTER MATCHING FUNDS

Sec. 93. There is appropriated from the overhead receipts at North Carolina State University at Raleigh the sum of two hundred fifty thousand dollars ($250,000) for the 1992-93 fiscal year to North Carolina State University at Raleigh, for the purpose of providing State matching funds for the Nonwovens Cooperative Research Center.

PART 17. DEPARTMENT OF TRANSPORTATION

Requested by: Senator Goldston,
Representative McLaughlin

DEPARTMENT OF TRANSPORTATION EXEMPTION FROM GENERAL STATUTES FOR EXPERIMENTAL PROJECT—CONGESTION MANAGEMENT

Sec. 94. The Department of Transportation may enter into a design-build-warrant contract to develop, with Federal Highway Administration participation under The 1991 Intermodal Surface Transportation Efficiency Act, Title VI, Part B, Sections 6051-6059, a "Congestion Avoidance and Reduction for Autos and Trucks (CARAT)" system of traffic management for the greater Charlotte-Mecklenburg urban areas. Notwithstanding any other provision of law, contractors, contractor's employees, and Department of Transportation employees involved in this project only do not have to be licensed by occupational licensing boards as "license" and "occupational licensing board" are defined in G.S. 93B-1 and for the purpose of entering into contracts, the Department of Transportation is exempted from the provisions of the following General Statutes: G.S. 136-28.1, 143-52, 143-53, 143-58, 143-128, and 143-129. These statutory exemptions are limited and available only to the extent necessary to comply with federal rules, regulations, and policies for completion of this project.

The Department of Transportation shall report quarterly to the Joint Legislative Highway Oversight Committee on its efforts to enter into a design-build-warrant contract and to award and construct the project. The report shall include but not be limited to the number of types of firms bidding on the project, special qualifications of the

firms bidding, and the effect statutory exemptions might have had on the award and construction of the project and the receipt of federal discretionary funding for the project.

Requested by: Senator Goldston,
Representatives McLaughlin, Holt

HIGHWAY MAINTENANCE RESERVE

Sec. 95. Section 66.7 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 66.7. Any unreserved credit balance in the Highway Fund on June 30 of each of the fiscal years of this biennium shall support appropriations in the succeeding fiscal year. If all of the balance is not needed for these appropriations, the Director of the Budget may use the remaining excess to establish a reserve for access and public roads, a reserve for unforeseen happening of a state of affairs requiring prompt action as provided by G.S. 136-44.1, and other required reserves. Actual revenue in excess of estimated revenue shall be placed in the reserve for highway maintenance. ~~If all of the remaining excess is not used to establish these reserves, the remainder shall be allocated to the State-funded maintenance appropriations in the manner approved by the Board of Transportation.~~ The Board of Transportation shall report monthly to the Joint Legislative Highway Oversight Committee and the Fiscal Research Division about the use of the reserve for highway maintenance."

Requested by: Senator Goldston,
Representatives McLaughlin, Holt

DIVISION OF MOTOR VEHICLES DRIVERS LICENSE COMPUTER

Sec. 96. The Division of Motor Vehicles shall procure information technology and data communications equipment for the drivers license computer system only after fair and competitive bidding and without any waiver from competitive bidding. Any request for bids, request for proposals, or request for quotes issued concerning the procurement of information systems hardware and software, document imaging systems, or data communications hardware related to any aspect of the drivers license computer system shall contain only specifications based on industry standards for open systems to the greatest extent possible. To the degree that open systems specifications are not used in a procurement related to any aspect of a drivers license computer system, the Division of Motor Vehicles shall provide documentation to the Information Resource Management Commission and to the Joint Legislative Commission on Governmental Operations explaining why the competitive bid specifications could not conform to industry standards for open systems.

Requested by: Senator Goldston,
Representatives McLaughlin, Hasty

CONTRACT RESURFACING REPORTING REQUIREMENT

Sec. 97. The Department of Transportation shall report, quarterly, to the Joint Legislative Highway Oversight Committee concerning any transfers of funds from the Contract Resurfacing Program during the preceding quarter. The Department shall report, annually, to the Joint Legislative Highway Oversight Committee on any additional life-cycle costs for delayed projects that may accrue as a result of these transfers, with the first report to be filed March 1, 1993.

Requested by: Senator Goldston,
Representatives McLaughlin, Holt

DEPARTMENT OF TRANSPORTATION HIGHWAY CONSTRUCTION SAFETY PROGRAM

Sec. 98. Notwithstanding the provisions of G.S. 143-16.3, and from funds appropriated to the Department of Transportation, the Secretary of Transportation may continue the Department's emphasis on safety to reduce accidents and injuries in highway construction activities. The Secretary may establish not more than 15 positions

to implement the Department's safety program within funds available in budget codes 84210, 84220, and 84230.

Requested by: Senator Goldston,
Representatives R. Hunter, McLaughlin, Holt

SECONDARY ROADS, ANNUAL WORK PROGRAM PRIORITY LISTS

Sec. 99. G.S. 136-44.7(b) reads as rewritten:

"(b) When a secondary road in a county is listed in the first 10 secondary roads to be paved during a year on a priority list issued by the Department of Transportation under this section, the secondary road cannot be removed from the top 10 of that list or any subsequent list until it is paved. All secondary roads in a county shall be paved, insofar as possible, in the priority order of the list. When a secondary road in the top 10 of that list is removed from the list because it has been paved, the next secondary road on the priority list shall be moved up to the top 10 of that list and shall remain there until it is paved."

Requested by: Senator Goldston,
Representatives Albertson, McLaughlin, Holt

DEPARTMENT OF TRANSPORTATION PERMANENT HOURLY WORKERS/OFFICE OF STATE PERSONNEL STUDY

Sec. 100. The Office of State Personnel shall study the use of permanent hourly workers by the Department of Transportation.

The study shall include consideration of:

(1) The Department of Transportation's use of these positions in the maintenance workforce;
(2) The use of these positions on a year-round basis and for extended periods; and
(3) The voluntary conversion of permanent employees to permanent hourly workers to increase the employee's take-home pay by eliminating the contribution to the retirement system.

The Office of State Personnel shall report the results of this study to the Permanent Subcommittee on Transportation of the House Committee on Appropriations and the Joint Highway Oversight Committee by February 1, 1993.

Requested by: Senator Goldston,
Representatives McLaughlin, Holt

REALLOCATION OF DIVISION OF MOTOR VEHICLES WAREHOUSE-OFFICE BUILDING FUNDS

Sec. 101. Funds appropriated in Section 6 of Chapter 754 of the 1989 Session Laws for the construction of a warehouse-office building in Raleigh for the Division of Motor Vehicles are reallocated to the Division of Motor Vehicles for the construction or purchase of the land and warehouse-office building, including appraisal and other costs incidental to the purchase.

Requested by: Senator Goldston,
Representatives McLaughlin, Holt

TRANSFER OF FUNDS FROM THE EQUIPMENT FUND

Sec. 102. Section 66 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 66. The Department of Transportation's Equipment Fund shall pay to the Highway Fund $5,000,000 for the 1991-92 fiscal year and $5,000,000 for the 1992-93 fiscal year. These funds shall be used for highway maintenance. The Department of Transportation's Equipment Fund shall pay to the Highway Fund an additional $8,899,254 for the 1992-93 fiscal year for use in the expansion budget."

Requested by: Senators Basnight, Goldston,
Representatives McLaughlin, Holt

SMALL URBAN CONSTRUCTION FUNDS

Sec. 103. Section 66.6 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 66.6. Of the funds appropriated in this Title to the Department of Transportation, ~~$10,805,664~~ ten million eight hundred five thousand six hundred sixty-four dollars ($10,805,664) shall be allocated in the 1991-92 fiscal year and ~~$10,028,266~~ nine million twenty-eight thousand two hundred sixty-six dollars ($9,028,266) in the 1992-93 fiscal year for small urban construction projects. ~~$7,000,000~~ Seven million dollars ($7,000,000) of these funds shall be allocated equally in ~~each~~ fiscal year 1991-92 ~~of the biennium~~ and six million dollars ($6,000,000) in fiscal year 1992-93 among the 14 Highway Divisions for the small Urban Construction program for small urban construction projects that are located within the area covered by a one-mile radius of the municipal corporate limits. Of the remaining funds, ~~$3,805,664~~ three million eight hundred five thousand six hundred sixty-four dollars ($3,805,664) for the 1991-92 fiscal year and ~~$3,028,266~~ three million twenty-eight thousand two hundred sixty-six dollars ($3,028,266) for the 1992-93 fiscal year shall be used statewide for rural or small urban highway improvements as approved by the Secretary of the Department of Transportation.

None of these funds used for rural secondary road construction are subject to the county allocation formula as provided in G.S. 136-44.5.

No more than fifty percent (50%) of the funds available for the 1992-93 fiscal year to each Highway Division under this section and for the projects approved by the Secretary of Transportation under this section may be expended, encumbered, or allocated prior to January 31, 1993.

The Department of Transportation shall report to the members of the General Assembly on projects funded pursuant to this section in each member's district prior to the Board of Transportation's action. The Department shall make a quarterly comprehensive report on the use of these funds to the Joint Legislative Highway Oversight Committee and the Fiscal Research Division."

Requested by: Senator Goldston,
Representatives Colton, McLaughlin, Holt

DEPARTMENT OF TRANSPORTATION TO REPORT ON EFFORTS TO EDUCATE ON TRANSPORTATION PLANNING ROLES

Sec. 104. The Department of Transportation shall report on its efforts to educate Transportation Advisory Committees, local governments, and the public about their roles in transportation planning under the Intermodal Surface Transportation Efficiency Act of 1991 to the Chairmen of the Senate Committee on Transportation and the House Committee on Transportation by February 1, 1993.

Requested by: Senator Goldston,
Representatives Colton, McLaughlin, Holt

DEPARTMENT OF TRANSPORTATION TO DEVELOP COMPREHENSIVE PLAN ON MAINTAINING AND UPGRADING BRIDGES

Sec. 105. The Department of Transportation shall develop and recommend a comprehensive plan to maintain and upgrade substandard bridges in North Carolina and shall report to the Chairmen of the Senate Committee on Transportation and the House Committee on Transportation by February 1, 1993.

Requested by: Senator Goldston,
Representative Chapin

HIGHWAY 264 REST AREA

Sec. 106. By December 1, 1992, the Department of Transportation shall let a contract for work to begin on the rest area on U.S. Highway 264 in Beaufort County for which funds were appropriated by Section 6(15) of Chapter 754 of the 1989 Session

Laws. The Department shall complete the rest area by June 1, 1993. If the Department of Transportation has not let a contract for work to begin on the rest area by December 1, 1992, the following applies:

(1) The sum of three hundred thirty-five thousand one hundred dollars ($335,100) is appropriated from the Highway Fund to the Department of Administration for the Department of Administration to construct a rest area at U.S. Highway 264 in Beaufort County. The Department of Administration shall complete the rest area by September 1, 1993.

(2) Section 6(15) of Chapter 754 of the 1989 Session Laws is repealed.

Requested by: Senators Perdue, Goldston,
Representatives McLaughlin, Holt

MOREHEAD CITY REST AREA/VISITOR INFORMATION FUNDS

Sec. 107. (a) Of the funds appropriated to the Department of Transportation in Section 4 of Chapter 689 of the 1991 Session Laws and in this act, the sum of one million dollars ($1,000,000) for the 1992-93 fiscal year shall be used to construct a rest area/visitors information center on U.S. 70 near Morehead City.

No State highway funds shall be used to staff or operate the rest area/visitors information center.

(b) The Department of Transportation shall prepare standard plans for Visitor Information Center buildings for use throughout the State. Those plans shall be used in the construction of all Visitor Information Centers, not heretofore included in any Transportation Improvement Plans, with only minimal modifications, not to exceed ten percent (10%) of the construction cost, permitted to meet unique environmental factors of the particular site.

Requested by: Senators Barnes, Goldston,
Representatives McLaughlin, Holt

AIR CARGO AMENDMENTS

Sec. 108. (a) G.S. 63A-2(8) reads as rewritten:

"(8) Cargo airport complex site. — The area designated by the Authority as the location of a cargo airport complex. An area may not be so designated by the Authority unless all or a substantial portion of the land on which the cargo airport is located or is to be located is or shall be owned by the Authority or is or shall be controlled by the Authority pursuant to lease, joint operating agreement, or other contractual arrangements."

(b) G.S. 63A-3(b) reads as rewritten:

"(b) Board of Directors. The Authority shall be governed by a Board of Directors. The Board shall consist of at least the following 14 19 members:

(1) Seven members appointed by the Governor.

(2) Three members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(3) Three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(4) The State Treasurer, who shall serve as an ex officio non-voting member.

(5) The President of the North Carolina System of Community Colleges, provided that the President of the North Carolina Community Colleges may instead appoint to the Board of Directors one member of the board of trustees of a community college or one president of a community college. If such an appointment is made, the appointee shall serve at the pleasure of the President.

(6) The President of The University of North Carolina, provided that the President of the University of North Carolina may instead appoint to the Board of Directors one member of the board of trustees of a constituent

institution of The University of North Carolina, or one chancellor of a constituent institution of The University of North Carolina. If such an appointment is made, the appointee shall serve at the pleasure of the President.

(7) The Chairman of the State Ports Authority.

(8) One member appointed by the board of county commissioners of any county in which the cargo airport complex site is located.

(9) One member appointed by the city council of the city which is a county seat of any county in which the cargo airport complex site is located.

~~The Board may consist of more than 14 members if more members are appointed by boards of county commissioners in accordance with this subsection.~~ Within 90 days after the Authority acquires land, either by purchase or condemnation, for development as part of a cargo airport complex site, the board of county commissioners in any county in which a portion of the land is located and the city council of the city which is the county seat of the county ~~may~~ shall, by resolution, each appoint a person to serve as a member of the Board. If the board of commissioners or the city council appoints one of its own members to the Board, the county commissioner or the member of the city council who is appointed is considered to be serving on the Board as an ex officio voting member as part of the duties of the office of county commissioner or the office of city council member, in accordance with G.S. 128-1.2, and is not considered to be serving in a separate office. Notwithstanding G.S. 116-31(h), a member of the board of trustees of a constituent institution of The University of North Carolina appointed to the Board of Directors under subdivision (6) of this subsection may concurrently serve on the board of trustees and the Board of Directors. Notwithstanding any other provision of law, the Governor may serve on the Board of Directors by his own appointment on or after July 16, 1991, under subdivision (1) of this subsection.

As the holder of an office, each member of the Board shall take the oath required by Article VI, § 7 of the North Carolina Constitution before assuming the duties of a Board member."

(c) G.S. 63A-3(c) reads as rewritten:

"(c) Selection Criteria. ~~Of the members appointed by the Governor, at least two shall be residents of the western region of the State, at least two shall be residents of the piedmont region of the State, and at least two shall be residents of the eastern region of the State.~~ In making appointments to the Board, the Governor and the General Assembly shall give consideration to the geographical representation of the Western region, the Piedmont region, and the Eastern region of the State. In addition, at least one member appointed by the Governor shall be representative of business, at least one shall be representative of agribusiness, at least one shall be representative of environmental interests, and at least one shall be representative of industrial interests.

~~Of the members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one shall be a resident of the western region of the State, one shall be a resident of the piedmont region of the State, and one shall be a resident of the eastern region of the State. Of the members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, one shall be a resident of the western region of the State, one shall be a resident of the piedmont region of the State, and one shall be a resident of the eastern region of the State.~~"

(d) G.S. 63A-3(d) reads as rewritten:

"(d) Terms. ~~Except for the terms of the initial Board members, Board members shall serve two-year terms that begin on July 1.~~ The terms of the initial members appointed by the Governor or the General Assembly end June 30, 1993. The initial term of a member appointed by a board of county commissioners or by a city council ends on the second June 30 after the appointment. Subsequent appointments by a board of county commissioners or by a city council shall be for terms of four years. The seven members appointed by the Governor for subsequent terms shall be appointed for terms of two years

ending on June 30 of each odd-numbered year. The six members appointed by the General Assembly for subsequent terms shall be divided into two classes. The first class shall consist of three persons, two of whom shall be appointed upon recommendation of the Speaker of the House of Representatives and one of whom shall be appointed upon recommendation of the President Pro Tempore of the Senate, to serve an initial term expiring June 30, 1995, with subsequent terms expiring each fourth June 30th thereafter. The second class shall consist of three persons, two of whom shall be appointed upon recommendation of the President Pro Tempore of the Senate and one of whom shall be appointed upon recommendation of the Speaker of the House of Representatives, to serve an initial term expiring June 30, 1997, with subsequent terms expiring each fourth June 30th thereafter."

(e) G.S. 63A-3(h) reads as rewritten:

"(h) Organization of the Board. The Board shall adopt bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational and administrative matters as the Board may determine. A quorum shall consist of ~~at least eight~~ a majority of the members of the Board. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all rights and to perform all the duties of the Board and the Authority."

(f) G.S. 63A-6(a) reads as rewritten:

"(a) General. The Authority may acquire real property by purchase, negotiation, gift, devise, or eminent domain. Any acquisition ~~or disposition~~ by eminent domain by the Authority of real property or an estate or interest in real property must be reviewed and approved by the Council of State before it can become effective. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority."

(g) G.S. 63A-6(b) reads as rewritten:

"(b) Eminent Domain. To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and may follow any procedure set by law by which a State agency or a political subdivision of the State may exercise the power of eminent domain. ~~As with other acquisitions, however, the~~ The Authority's exercise of the power of eminent domain is subject to review and approval by the Council of State.

The Authority's power of eminent domain applies to all property, including property that is owned by a State agency or a political subdivision of the State and is already devoted to a specific use other than as an airport established under Chapter 63 of the General Statutes. The Authority may acquire by eminent domain property that is owned by a political subdivision and is used as an airport established under Chapter 63 of the General Statutes only after obtaining the approval of the governing body of each political subdivision that established the airport. The Authority may not begin an eminent domain proceeding before it obtains the Council of State's approval for the acquisition of the property to be condemned."

(h) G.S. 63A-18(a) and (b) read as rewritten:

"(a) The Authority has exclusive zoning jurisdiction within a cargo airport complex site. The Authority has zoning jurisdiction within ~~four~~ six miles of the boundaries of a cargo airport complex site. ~~The Authority has zoning jurisdiction sufficient to restrict the height of any structure to be erected, and the height to which any tree may grow, within six miles of the boundaries of a cargo airport complex site.~~

(b) No State agency and, in accordance with G.S. 63-31, no political subdivision may adopt, without obtaining the approval of the Authority, ~~either of the following~~ an airport zoning provision or other land use regulation that affects real property within six miles of any cargo airport complex site if it conflicts with a zoning provision or land use restriction adopted by the ~~Authority:~~ Authority.

~~(1) An airport zoning provision or other land use regulation that affects real property within four miles of any cargo airport complex site.~~

~~(2) An airport zoning provision or other land use regulation that affects the height of any structure or tree within six miles of a cargo airport complex site.~~

A zoning provision or land use restriction adopted in violation of this subsection is not effective."

(i) This section becomes effective July 15, 1992.

Requested by: Senators Basnight, Plyler,
Representative H. Hunter

GREENE COUNTY WATER AND SEWER CONNECTION FUNDS REAPPROPRIATED/GATES COUNTY SCHOOL FUNDS

Sec. 109. (a) The four hundred thousand dollars ($400,000) appropriated for the 1991-92 fiscal year from the Highway Fund to the Department of Transportation in item 09. of the schedule of projects in Section 236.1 of Chapter 689 of the 1991 Session Laws is reappropriated to the Office of State Budget and Management for construction of the Greene County water and sewer connections to service the Maury Prison Unit.

(b) The Director of the Budget shall make available to the Gates County Board of Education for the 1992-93 fiscal year the sum of forty-seven thousand dollars ($47,000) from funds available in the Reserve for Repairs and Renovations. These funds shall be used along with funds made available to the Gates County Board of Education in Section 32 of Chapter 799 of the 1989 Session Laws to bring the Gates County High School's and Gates County Junior High School's wastewater systems into compliance with State and federal wastewater regulations.

(c) Section 120 of Chapter 1066 of the 1989 Session Laws reads as rewritten:

"Sec. 120. The Department of Correction shall permit the Gates County Board of Education to tie the wastewater treatment systems of the Gates County Junior High School and the Gates County High School ~~may be tied~~ into the wastewater treatment system of the Gates County Correctional Center."

(d) The Gates County Board of Education shall use funds made available to it under Section 32 of Chapter 799 of the 1989 Session Laws and under subsection (b) of this section to pay the Department of Correction the actual cost of enlarging the correctional center's spray field to accommodate the schools' needs. The Department of Correction shall not charge the Gates County Board of Education any additional amounts for the construction, operation, or maintenance of the wastewater treatment system of the Gates County Correctional Center.

(e) All of the funds made available to the Gates County Board of Education under Section 32 of Chapter 799 of the 1989 Session Laws and under subsection (b) of this section that are not needed to bring the Gates County High School's and Gates County Junior High School's wastewater systems into compliance with State and federal wastewater regulations shall be deposited in the Reserve for Repairs and Renovations upon completion of the project.

Requested by: Senator Goldston,
Representatives McLaughlin, Holt

AIR CARGO AIRPORT AUTHORITY MARKETING FUNDS TRANSFER

Sec. 110. Of the funds appropriated in this act for the North Carolina Air Cargo Airport Authority, the sum of five hundred thousand dollars ($500,000) shall be transferred by July 15, 1992, to the Department of Economic and Community Development for marketing of the Global Transpark including two positions, operating support, and advertising funds.

PART 18. DEPARTMENT OF CORRECTION

Requested by: Senators Marvin, Parnell,
Representative Barnes

PRIVATE CONFINEMENT FACILITIES

Sec. 111. Section 67 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 67. No for-profit, privately owned or operated confinement facilities may be added to the State prison system unless approved by the General Assembly. Notwithstanding the provisions of this section or any other provision of law, the Secretary of Correction may issue a Request for Proposal or employ another appropriate bidding process or procedure to determine contract terms or conditions under which private for-profit or nonprofit firms would offer to provide and operate treatment centers totaling 500 beds for prisoners committed to the custody of the Department of Correction who are diagnosed as needing treatment for alcohol or drug abuse. The State may contract with private, nonprofit firms to provide or operate work and study release centers for women and for youth.

Solicitation of bids does not obligate the State to enter into contracts with private for-profit or nonprofit firms to provide and operate treatment centers for which bids are solicited.

The Secretary of Correction must report the results of the bidding procedure to the Governor, the Joint Legislative Committee on Governmental Operations, the Chairmen of the Senate and House Appropriations Committees, and the Fiscal Research Division by December 31, 1992."

Requested by: Senator Marvin,
Representatives Redwine, Anderson

LIMIT USE OF OPERATIONAL FUNDS

Sec. 112. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds may not be expended for any other purpose, and may not be expended for additional prison personnel positions until the new facilities are within 90 days of completion, except for certain management and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General Assembly.

PART 19. JUDICIAL DEPARTMENT

Requested by: Senators Marvin, Parnell,
Representatives Redwine, Anderson

CURRENT OPERATING EXPENSES

Sec. 113. From the funds appropriated to the Judicial Department in the certified budget for the 1992-93 fiscal year, the Administrative Office of the Courts may transfer within its budget up to two million five hundred thousand dollars ($2,500,000) to meet additional operating expenses for supplies and materials, current obligations, fixed charges and other expenses, equipment, books, and indigent persons' attorneys' fees, and to match any grants awarded to the Judicial Department from non-State funds. The Administrative Office of the Courts shall make quarterly reports on transfers made pursuant to this section to the Joint Legislative Commission on Governmental Operations and to the Chairmen of the Senate and House Appropriations Committees on Justice and Public Safety.

Requested by: Senators Marvin, Parnell,
Representatives Redwine, Anderson

CONTINUED PHASING IN OF NONBINDING ARBITRATION AND OF CUSTODY AND VISITATION MEDIATION

Sec. 114. From funds appropriated to the Judicial Department in the certified budget for the 1992-93 fiscal year, the Administrative Office of the Courts may transfer within its budget up to seventy-five thousand dollars ($75,000) to implement nonbinding arbitration procedures in additional counties and judicial districts pursuant to G.S. 7A-37.1 and to establish local custody mediation and visitation programs in additional counties pursuant to G.S. 7A-494.

Requested by: Senators Marvin, Parnell,
Representatives Redwine, Anderson

CONTINUE EXISTING JUVENILE SERVICES TRANSPORTATION PILOT PROGRAM

Sec. 115. From funds appropriated to the Judicial Department in the certified budget for the 1992-93 fiscal year, the Administrative Office of the Courts may transfer funds within its budget to continue the Juvenile Services Division Transportation Pilot Project in District Court Districts 6A, 10, 11, and 24 at its 1991-92 funding level.

Requested by: Senators Marvin, Parnell,
Representatives Redwine, Anderson

INTERIM FEES FOR ASSIGNED COUNSEL IN EXTRAORDINARY CASES

Sec. 116. (a) G.S. 7A-455(b) reads as rewritten:

"(b) In all cases the court shall fix the money value of services rendered by assigned counsel, the public defender, or the appellate defender, and such sum plus any sums allowed by the court for other necessary expenses of representing the indigent person, including any fees and expenses that may have been allowed prior to final determination of the action to assigned counsel pursuant to G.S. 7A-458, shall be entered as a judgment in the office of the clerk of superior court, and shall constitute a lien as prescribed by the general law of the State applicable to judgments. Any reimbursement to the State as provided in subsection (a) of this section or any funds collected by reason of such judgment shall be deposited in the State treasury and credited against the judgment; provided, that counsel fees ordered paid to the clerk on behalf of the appointed counsel pursuant to G.S. 15A-1343(e) may be paid directly to the counsel. In fixing the money value of services rendered by the public defender and the appellate defender, the court shall consider the factors normally involved in fixing the fees of private attorneys, such as the nature of the case, the time, effort, and responsibility involved, and the fee usually charged in similar cases. The value of the services shall be fixed by a district court judge for actions or proceedings finally determined in the district court and by a superior court judge for actions or proceedings originating in, heard on appeal in, or appealed from the superior court. Even if the trial, appeal, hearing, or other proceeding is never held, preparation therefor is nevertheless compensable."

(b) G.S. 7A-458 reads as rewritten:

"**§ 7A-458. Counsel fees.**

In districts which do not have a public defender, the court shall fix the fee to which an attorney who represents an indigent person is entitled. In doing so, the court shall allow a fee based on the factors normally considered in fixing attorneys' fees, such as the nature of the case, and the time, effort and responsibility involved. Fees shall be fixed by the district court judge who hears the case for actions or proceedings finally determined in the district court and by the superior court judge who hears the case for actions or proceedings originating in, heard on appeal in, or appealed from the superior court. Even if the trial, appeal, hearing or other proceeding is never held, preparation therefor is nevertheless ~~compensable.~~ compensable and, in capital cases and other extraordinary cases pending in superior court, the presiding judge may allow a fee for services rendered and payment for expenses incurred pending final determination of the case."

Requested by: Senators Marvin, Parnell,
Representatives Redwine, Anderson

COMMUNITY PENALTIES PROGRAMS

Sec. 117. Section 84.1 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 84.1. (a) Of the funds appropriated ~~in this act~~ to the Judicial Department to conduct the community penalty programs, the sum of ~~$1,518,912~~ one million five hundred eighteen thousand nine hundred twelve dollars ($1,518,912) shall be allocated in the 1991-92 fiscal year among the community penalties programs listed below as follows:

One Step Further, Inc.	$139,664
Services to Nash County Community Penalties Program	44,000
Services to Rockingham/Caswell	40,900
Fayetteville Area Sentencing Center, Inc.	131,878
Re-Entry, Inc.	93,500
Repay, Inc.	100,045
Community Corrections Resources, Inc.	104,379
Western Carolinians for Criminal Justice, Inc.	100,300
Prison & Jail Project, Inc.	100,300
Community Penalties Program, Inc.	68,213
Jacksonville Community Penalties, Inc.	89,250
Services to Sampson, Duplin, and Jones Counties	55,000
Gaston Community Penalties, Inc.	53,661
Services to Cleveland and Lincoln Counties	38,000
Dispute Settlement Center, Inc.	53,661
Appropriate Punishment Option, Inc.	53,661
Mecklenburg Community Corrections	93,500
Neuse River Council of Governments DBA Neuse River Community Penalties Program	55,000
Tuscarora Tribe of North Carolina	52,000
Citizens for Community Justice	52,000.

(b) Funds allocated in subsection (a) and not used by the community penalties programs listed above may be used by the Judicial Department to establish new community penalties programs.

(b1) Of the funds appropriated for the 1992-93 fiscal year to the Judicial Department to conduct the community penalties programs, the sum of one million five hundred eighteen thousand nine hundred twelve dollars ($1,518,912) may be allocated by the Judicial Department in the 1992-93 fiscal year in any amount among existing community penalties programs or may be used to establish new community penalties programs. In addition, from any other funds appropriated to the Judicial Department in the certified budget for the 1992-93 fiscal year, the Administrative Office of the Courts may transfer funds to the community penalties programs for similar allocation or use.

(c) The Judicial Department shall report annually to the Senate and House Appropriations Base Budget Committees on Justice and Public Safety and to the Fiscal Research Division on the administrative expenditures of the community penalties programs."

Requested by: Senators Marvin, Parnell,
Representatives Redwine, Anderson

MAKE JURISDICTION OF MAGISTRATE AND CLERK CONSISTENT WITH THAT OF JUDGES TO PROMULGATE WAIVER LISTS

Sec. 118. (a) G.S. 7A-148(a) reads as rewritten:

"(a) The chief district judges of the various district court districts shall meet at least once a year upon call of the Chief Justice of the Supreme Court to discuss mutual problems affecting the courts and the improvement of court operations, to prepare and adopt ~~a uniform schedule of traffic offenses, littering under G.S. 14-399(c), hunting and fishing offenses under Chapter 113, State park and recreation area rule offenses under Chapter 113, boating offenses under Chapter 75A, and alcohol offenses under Chapter 18B~~ uniform schedules of offenses for the types of offenses specified in G.S. 7A-273(2) for which magistrates and clerks of court may accept written appearances, waivers of trial or hearing and pleas of guilty or admissions of responsibility, and establish a schedule of penalties or fines therefor, and to take such further action as may be found practicable and desirable to promote the uniform administration of justice."

(b) G.S. 7A-146(8) is repealed.

(c) G.S. 7A-180 reads as rewritten:

"**§ 7A-180. Functions of clerk of superior court in district court matters.** The clerk of superior court:

(1) Has and exercises all of the judicial powers and duties in respect of actions and proceedings pending from time to time in the district court of his county which are now or hereafter conferred or imposed upon him by law in respect of actions and proceedings pending in the superior court of his county;

(2) Performs all of the clerical, administrative and fiscal functions required in the operation of the district court of his county in the same manner as he is required to perform such functions in the operation of the superior court of his county;

(3) Maintains, under the supervision of the Administrative Office of the Courts, an office of uniform consolidated records of all judicial proceedings in the superior court division and the district court division of the General Court of Justice in his county. Those records shall include civil actions, special proceedings, estates, criminal actions, juvenile actions, minutes of the court and all other records required by law to be maintained. The form and procedure for filing, docketing, indexing, and recording shall be as prescribed by the Administrative Officer of the Courts notwithstanding any contrary statutory provision as to the title and form of the record or as a method of indexing;

(4) Has the power to accept written appearances, waivers of trial or hearing and pleas of guilty or admissions of responsibility ~~to certain alcohol, traffic, hunting, fishing, and boating offenses~~ for the types of offenses specified in G.S. 7A-273(2) in accordance with ~~a schedule~~ the schedules of offenses promulgated by the Conference of Chief District Judges pursuant to G.S. 7A-148, and in such cases, to enter judgment and collect the fine or penalty and costs;

(5) Has the power to issue warrants of arrest valid throughout the State, and search warrants valid throughout the county of the issuing clerk;

(6) Has the power to conduct an initial appearance in accordance with Chapter 15A, Article 24, Initial Appearance, and to fix conditions of release in accordance with Chapter 15A, Article 26, Bail; ~~and~~

(7) Continues to exercise all powers, duties and authority theretofore vested in or imposed upon clerks of superior court by general law, with the exception of jurisdiction in juvenile matters; and

(8) Has the power to accept written appearances, waivers of trial and pleas of guilty to violations of G.S. 14-107 when restitution is made, the amount of the check is two thousand dollars ($2,000) or less, and the warrant does not charge a fourth or subsequent violation of this statute, and, in such cases, to enter such judgments as the chief district judge shall direct and, forward the amounts collected as restitution to the appropriate prosecuting witnesses and to collect the costs.

~~(9) Has the power to accept written appearances, waivers of trial and pleas of guilty to violations of G.S. 14-399(c), and, in such cases, to enter judgments as the chief district court judge shall direct. No violation of G.S. 14-399 may be disposed of pursuant to this subdivision unless the criminal pleading specifically charges a violation of subsection (c) of G.S. 14-399.~~"

(d) G.S. 7A-273 reads as rewritten:

"**§ 7A-273. Powers of magistrates in infractions or criminal actions.** In criminal actions or infractions, any magistrate has power:

(1) In misdemeanor or infraction cases, other than ~~traffic, hunting, fishing, boating, and alcohol offenses,~~ the types of offenses specified in subdivision (2) of this section, in which the maximum punishment which can be adjudged cannot exceed imprisonment for 30 days, or a fine of fifty dollars

($50.00) or a penalty of not more than fifty dollars ($50.00), exclusive of costs, to accept guilty pleas or admissions of responsibility and enter judgment;

(2) In misdemeanor or infraction cases involving ~~alcohol,~~ alcohol offenses under Chapter 18B of the General Statutes, ~~traffic,~~ traffic offenses, hunting, fishing, ~~and~~ State park and recreation area rule offenses under Chapter 113 of the General Statutes, boating ~~offenses,~~ offenses under Chapter 75A of the General Statutes, and littering offenses under G.S. 14-399(c), to accept written appearances, waivers of trial or hearing and pleas of guilty or admissions of responsibility, in accordance with the schedule of offenses and fines or penalties promulgated by the Conference of Chief District Judges pursuant to G.S. 7A-148, and in such cases, to enter judgment and collect the fines or penalties and costs;

(3) To issue arrest warrants valid throughout the State;

(4) To issue search warrants valid throughout the county; ~~and~~

(5) To grant bail before trial for any noncapital offense;

(6) Notwithstanding the provisions of subdivision (1) of this section, to hear and enter judgment as the chief district judge shall direct in all worthless check cases brought under G.S. 14-107, when the amount of the check is two thousand dollars ($2,000) or less. Provided, however, that under this section magistrates may not impose a prison sentence longer than 30 days;

(7) To conduct an initial appearance as provided in G.S. 15A-511; and

(8) To accept written appearances, waivers of trial and pleas of guilty in violations of G.S. 14-107 when the amount of the check is two thousand dollars ($2,000) or less, restitution is made, and the warrant does not charge a fourth or subsequent violation of this statute, and in these cases to enter judgments as the chief district judge directs.

~~(9) Notwithstanding the provisions of subdivision (1) of this section, to accept written appearances, waivers of trial and pleas of guilty in violations of G.S. 14-399(c) and enter judgments in those cases as the chief district judge directs. No violation of G.S. 14-399 may be disposed of pursuant to this subdivision unless the criminal pleading specifically charges a violation of subsection (c) of G.S. 14-399.~~"

(e) This section becomes effective July 15, 1992.

Requested by: Senators Marvin, Parnell,
Representatives Nesbitt, Anderson, Redwine

ASSISTANT CLERKS' SALARY RANGE

Sec. 119. G.S. 7A-102(d) reads as rewritten:

"(d) Full-time assistant clerks, licensed to practice law in North Carolina, who are employed in the office of superior court clerk on and after July 1, 1984, are authorized an ~~entry-level~~ annual salary of not ~~more~~ less than three-fourths of the maximum annual salary established for assistant ~~clerks~~ clerks; the clerk of superior court, with the approval of the Administrative Office of the Courts, may establish a higher annual salary but that salary shall not be higher than the maximum annual salary established for assistant clerks. Full-time assistant clerks, holding a law degree from an accredited law school, who are employed in the office of superior court clerk on and after July 1, 1984, are authorized an ~~entry-level~~ annual salary of not ~~more~~ less than two-thirds of the maximum annual salary established for assistant ~~clerks,~~ clerks; the clerk of superior court, with the approval of the Administrative Office of the Courts, may establish a higher annual salary, but the entry-level salary may not be more than three-fourths of the maximum annual salary established for assistant clerks, and in no event may be higher than the maximum annual salary established for assistant clerks. The entry-level annual salary for all other assistant and deputy clerks employed on and after July 1, 1984, shall be at the minimum rates as herein established."

Requested by: Senators Marvin, Parnell,
Representatives Anderson, Redwine

NEW ASSISTANT DISTRICT ATTORNEYS

Sec. 120. (a) Effective August 1, 1992, G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	6
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	5
3B	Carteret, Craven, Pamlico	~~5~~ 6
4	Duplin, Jones, Onslow, Sampson	~~9~~ 10
5	New Hanover, Pender	8
6A	Halifax	2
6B	Bertie, Hertford, Northampton	~~2~~ 3
7	Edgecombe, Nash, Wilson	9
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, Person, Vance, Warren	~~7~~ 8
10	Wake	17
11	Harnett, Johnston, Lee	7
12	Cumberland	11
13	Bladen, Brunswick, Columbus	6
14	Durham	9
15A	Alamance	~~5~~ 6
15B	Orange, Chatham	4
16A	Scotland, Hoke	~~2~~ 3
16B	Robeson	7
17A	Caswell, Rockingham	~~4~~ 5
17B	Stokes, Surry	4
18	Guilford	~~15~~ 16
19A	Cabarrus, Rowan	~~7~~ 8
19B	Montgomery, Randolph	4
20	Anson, Moore, Richmond, Stanly, Union	10
21	Forsyth	11
22	Alexander, Davidson, Davie, Iredell	~~9~~ 10
23	Alleghany, Ashe, Wilkes, Yadkin	4
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	10
26	Mecklenburg	22
27A	Gaston	~~7~~ 8
27B	Cleveland, Lincoln	5
28	Buncombe	~~6~~ 7
29	Henderson, McDowell, Polk, Rutherford, Transylvania	~~7~~ 8
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	6

(b) Effective October 1, 1992, G.S.7A-60(a1), as amended by subsection (a) of this section, reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	6
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	~~5~~ 6
3B	Carteret, Craven, Pamlico	6
4	Duplin, Jones, Onslow, Sampson	10
5	New Hanover, Pender	~~8~~ 9
6A	Halifax	2 3
6B	Bertie, Hertford, Northampton	3
7	Edgecombe, Nash, Wilson	~~9~~ 10
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, Person, Vance, Warren	8
10	Wake	~~17~~ 18
11	Harnett, Johnston, Lee	~~7~~ 8
12	Cumberland	~~11~~ 12
13	Bladen, Brunswick, Columbus	6
14	Durham	9
15A	Alamance	6
15B	Orange, Chatham	4
16A	Scotland, Hoke	3
16B	Robeson	7
17A	Caswell, Rockingham	5
17B	Stokes, Surry	4
18	Guilford	16
19A	Cabarrus, Rowan	8
19B	Montgomery, Randolph	4
20	Anson, Moore, Richmond, Stanly, Union	10
21	Forsyth	~~11~~ 12
22	Alexander, Davidson, Davie, Iredell	10
23	Alleghany, Ashe, Wilkes, Yadkin	4
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	10
26	Mecklenburg	22
27A	Gaston	8
27B	Cleveland, Lincoln	5
28	Buncombe	7
29	Henderson, McDowell, Polk, Rutherford, Transylvania	8
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	6

PART 20. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Senator Marvin,
Representatives Anderson, Redwine, Jeffus

SUMMIT HOUSE

Sec. 121. Of the funds appropriated to the Department of Crime Control and Public Safety for the 1992-93 fiscal year, the sum of two hundred fifty thousand dollars ($250,000) shall be used to support the program at Summit House, a community-based residential alternative to incarceration for mothers and pregnant women convicted of nonviolent crimes. Summit House shall report quarterly to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House.

Requested by: Senator Marvin,
Representatives Anderson, Redwine

OPERATING FUNDS FOR AIR NATIONAL GUARD'S HANGAR

Sec. 122. Of the funds appropriated in this act to the Department of Crime Control and Public Safety for the 1992-93 fiscal year, the sum of five thousand six hundred seventeen dollars ($5,617) shall be used to operate the Air National Guard's new maintenance hangar which is located at Douglas International Airport in Charlotte.

Requested by: Senator Marvin,
Representatives Barnes, Redwine, Anderson

LEGISLATIVE REVIEW OF DRUG LAW ENFORCEMENT AND OTHER GRANTS

Sec. 123. Section 73 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"(a) Section 1303(4) of the Omnibus Crime Control and Safe Streets Act of 1968 provides that State applications for drug law enforcement grants are subject to review by the State legislature or its designated body.

(b) The North Carolina General Assembly hereby provides that State applications for grants under the State and Local Law Enforcement Assistance Act of 1986, Part M of the Omnibus Crime Control and Safe Streets Act of 1968 as enacted by Subtitle K of P.L. 99-570, the Anti-Drug Abuse Act of 1986, are subject to review by the Joint Legislative Commission on Governmental Operations if at the time of review the General Assembly is not in session. Any State agency submitting a grant application for review shall also report to the House Appropriations Subcommittee on Justice and Public Safety and to the Senate Appropriations Committee on Justice and Public Safety with regard to the grant.

(c) Unless a State statute provides a different forum for review where a federal law or regulation provides that a State application for a grant must be reviewed by the State legislature or its designated body and at the time of the review the General Assembly is not in session, that application shall be reviewed by the Joint Legislative Commission on Governmental Operations. Any State agency submitting a grant application for review shall also report to the House Appropriations Subcommittee on Justice and Public Safety and to the Senate Appropriations Committee on Justice and Public Safety with regard to the grant.

(d) The Government Performance Audit Committee, established by the Legislative Services Commission pursuant to Section 347 of Chapter 689 of the 1991 Session Laws, shall study the current procedure regarding legislative review of federal grants and shall consider how to provide advance legislative review of the grants being requested by State agencies and how to streamline review procedures. The Government Performance Audit Committee shall include its findings and recommendations in its report to the 1993 General Assembly. The Government Performance Audit Committee shall consider the following issues in its study:

(1) The need to receive for legislative review prior to a State agency's applying for a federal grant accurate information and documentation regarding:

a. The length of time that federal funds will remain available.
b. The fiscal impact with regard to the State's budget if federal grant money is received.
c. The fiscal impact with regard to the State's budget when the federal funds for a particular grant are reduced or cease to be available.
d. The number of personnel positions to be established if the federal grant is received, the funding that is available at the State and federal level for those positions when initially created, and the funding available to continue those positions if federal funding is reduced or ceases to be available.

(2) The use of salary reserve funds by a State agency to create new personnel positions.
(3) The need to streamline the advance review of federal grants that are requested by State agencies.
(4) The need to restrict the State Budget Office from creating new personnel positions without obtaining prior legislative approval."

PART 21. DEPARTMENT OF JUSTICE

Requested by: Senator Marvin,
Representatives Anderson, Redwine

DEPARTMENT OF JUSTICE STUDY/CHARGES FOR LEGAL SERVICES TO LOCAL GOVERNMENTS AND STATE AGENCIES

Sec. 124. Section 86 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 86. (a) The Department of Justice shall study the feasibility of charging local governments for legal services rendered to those governments by the Office of the Attorney General. The Department of Justice shall consider the number of requests for legal assistance received from local governments, the type of legal assistance requested, the time required to respond to the requests, and any other matters related to the issue of charging local governments for legal assistance. The Department of Justice shall also consider what fee, if any, is appropriate to charge local governments for such legal services. The Department of Justice shall report its findings and recommendations to the ~~1991 General Assembly, 1992 Regular Session.~~ 1993 General Assembly.

(b) The Department of Justice shall study the feasibility of an increase in the fees currently charged other State departments and agencies for its legal services, such fee increase to be effective for the 1993-94 fiscal year. The Department of Justice shall also study the feasibility of requiring all State departments and agencies that have attorneys assigned to them by the Attorney General to pay the compensation, including salaries and benefits, for those legal positions. The Department of Justice shall report its findings and recommendations to the ~~1991 General Assembly, 1992 Regular Session.~~ 1993 General Assembly."

Requested by: Senators Marvin, Odom,
Representatives Anderson, Redwine, Dickson

JUSTICE ACADEMY STUDY/STUDENT REGISTRATION FEE

Sec. 125. Section 88 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 88. The North Carolina Justice Academy shall study the possibility of requiring a student registration fee. The study shall include consideration of the actual cost for a student to attend the Justice Academy, the merits of charging a registration fee, and the amount, if any, that should be charged as a registration fee. The North Carolina Justice Academy shall report its findings and recommendations to the ~~1991 General Assembly, 1992 Regular Session.~~ Joint Legislative Commission on Governmental Operations and the Fiscal Research Division."

Requested by: Senators Marvin, Odom,
Representatives Anderson, Redwine, Dickson

LEGAL POSITION TRANSFER FUNDS PARTIALLY RESTORED

Sec. 126. Of the funds appropriated to the Department of Justice for the 1992-93 fiscal year, the Department may use the sum of seventeen thousand one hundred forty-two dollars ($17,142) to restore partially the funds reduced pursuant to Section 91 of Chapter 689 of the 1991 Session Laws as amended by Section 50.2 of Chapter 761 of the 1991 Session Laws.

Requested by: Senators Basnight, Marvin, Odom,
Representatives Anderson, Redwine, Dickson

SBI FUNDS/SPENDING PRIORITIES

Sec. 127. Section 92.1(a) of Chapter 689 of the 1991 Session Laws reads as rewritten:

"(a) Of the funds appropriated in this Title to the Department of Justice, State Bureau of Investigation, for the 1991-92 fiscal year and the 1992-93 fiscal year for overtime payments, the first priority for use of the funds by the Department shall be:

(1) To make overtime payments to SBI agents in the Field Investigations Division; and

(2) To make overtime payments to supervisory personnel receiving overtime payments as of ~~June 30, 1991,~~ June 30, 1992, up to a maximum of $5,200 annually per individual."

PART 22. DEPARTMENT OF HUMAN RESOURCES

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

DRUG USE REVIEW PROGRAM/RULES

Sec. 128. Chapter 108A of the General Statutes is amended by adding a new section to read:

"§ 108A-68. Drug Use Review Program; rules.

Notwithstanding the provisions of Chapter 90 of the General Statutes or of any other provision of law, the Division of Medical Assistance, Department of Human Resources, shall adopt rules implementing the drug use review provisions of the Omnibus Budget Reconciliation Act of 1990, as amended."

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

MEDICAID

Sec. 129. Section 93 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 93. (a) Funds appropriated in this Title for services provided in accordance with Title XIX of the Social Security Act (Medicaid) are for both the categorically needy and the medically needy. Funds appropriated for these services shall be expended in accordance with the following schedule of services and payment bases. All services and payments are subject to the language at the end of this subsection.

Services and payment bases:

(1) Hospital-Inpatient - Payment for hospital inpatient services will be prescribed in the State Plan as established by the Department of Human Resources. Administrative days for any period of hospitalization shall be limited to a maximum of three days.

(2) Hospital-Outpatient - Eighty percent (80%) of allowable costs or a prospective reimbursement plan as established by the Department of Human Resources.

(3) Nursing Facilities - As prescribed under the reimbursement plan for Nursing Facilities. Nursing facilities providing services to Medicaid recipients who also qualify for Medicare, must be enrolled in the Medicare program as a condition of participation in the Medicaid program, subject to

phase-in certification for those nursing facilities not already enrolled in Medicare. State facilities are not subject to the requirement to enroll in the Medicare Program.

(4) Intermediate Care Facilities for the Mentally Retarded - As prescribed under the State Plan for reimbursing intermediate care facilities for the mentally retarded.

(5) Drugs - Drug costs as allowed by federal regulations plus a professional services fee per month excluding refills for the same drug or generic equivalent during the same month. Reimbursement shall be available for up to six prescriptions per recipient, per month, including refills. Payments for drugs are subject to the provisions of subsection ~~(h)~~ (f) of this section and to the provisions at the end of subsection (a) of this section, or in accordance with ~~a plan~~ the State Plan adopted by the Department of Human Resources consistent with federal reimbursement regulations. Payment of the professional services fee shall be made in accordance with the plan adopted by the Department of Human Resources, consistent with federal reimbursement regulations. Adjustments to the professional services fee shall be established by the General Assembly.

(6) Physicians, Chiropractors, Podiatrists, Optometrists, Dentists, Certified Nurse Midwife Services - Fee schedules as developed by the Department of Human Resources. Payments for dental services are subject to the provisions of subsection ~~(g)~~ (e) of this section.

(7) Community Alternative Program, EPSDT Screens - Payment to be made in accordance with rate schedule developed by the Department of Human Resources.

(8) Home ~~Health,~~ Health and Related Services, Private Duty Nursing, Clinic Services, Prepaid Health ~~Plans -~~ Plans, Durable Medical Equipment - Payment to be made according to reimbursement plans developed by the Department of Human Resources.

(9) Medicare Buy-In - Social Security Administration premium.

(10) Ambulance Services - Uniform fee schedules as developed by the Department of Human Resources.

(11) Hearing Aids - Actual cost plus a dispensing fee.

(12) Rural Health Clinic Services - Provider based - reasonable cost; non-provider based - single cost reimbursement rate per clinic visit.

(13) Family Planning - Negotiated rate for local health departments. For other providers - see specific services, for instance, hospitals, physicians.

(14) Independent Laboratory and X-Ray services - Uniform fee schedules as developed by the Department of Human Resources.

(15) Optical Supplies - One hundred percent (100%) of reasonable wholesale cost of materials.

(16) Ambulatory Surgical Centers - Payment as prescribed in the reimbursement plan established by the Department of Human Resources.

(17) Medicare Crossover Claims - An amount up to the actual coinsurance or deductible or both, in accordance with the plan, as approved by the Department of Human Resources.

(18) Physical Therapy and Speech Therapy - Services limited to EPSDT eligible children. Payments are to be made only to the Children's Special Health Services program at rates negotiated by the Department of Human Resources.

(19) Personal Care Services - Payment in accordance with plan approved by the Department of Human Resources.

(20) Case Management Services - Reimbursement in accordance with the availability of funds to be transferred within the Department of Human Resources.

(21) Hospice - Services may be provided in accordance with plan developed by the Department of Human Resources.

(22) Other Mental Health Services - Unless otherwise covered by this section, coverage is limited to agencies meeting the requirements of the rules established by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, and reimbursement is made in accordance with a plan developed by the Department of Human Resources not to exceed the upper limits established in federal regulations.

(23) Medically Necessary Prosthetics or Orthotics for EPSDT Eligible Children - Reimbursement in accordance with plan approved by the Department of Human Resources.

(24) Health Insurance Premiums - Payments to be made in accordance with the plan adopted by the Department of Human Resources consistent with federal regulations.

Services and payment bases may be changed with the approval of the Director of the Budget.

Reimbursement is available for up to 24 visits per recipient per year to any one or combinations of the following: physicians, clinics, hospital outpatients, optometrists, chiropractors, and podiatrists. Prenatal services, all ESPDT children, and emergency rooms are exempt from the visit limitations contained in this paragraph. Exceptions may be authorized by the Department of Human Resources where the life of the patient would be threatened without such additional care. Any person who is determined by the Department to be exempt from the 24-visit limitation may also be exempt from the six-prescription limitation.

(b) Allocation of Nonfederal Cost of Medicaid. The State shall pay eight-five percent (85%); the county shall pay fifteen percent (15%) of the nonfederal costs of all applicable services listed in this section.

(c) Copayment for Medicaid Services. The Department of Human Resources may establish copayment up to the maximum permitted by federal law and regulation.

(d) Medicaid and Aid to Families with Dependent Children Income Eligibility Standards. Effective January 1, 1990, the maximum net family annual income eligibility standards for Medicaid and Aid to Families with Dependent Children, and the Standard of Need for Aid to Families with Dependent Children shall be as follows.

Categorically Needy		Medically Needy	
Family Size	Standard Of Need	AFDC Payment Level*	AA,AB,AD*
1	$ 4,344	$ 2,172	$ 2,900
2	5,664	2,832	3,800
3	6,528	3,264	4,400
4	7,128	3,564	4,800
5	7,776	3,888	5,200
6	8,376	4,188	5,600
7	8,952	4,476	6,000
8	9,256	4,680	6,300

*Aid to Families with Dependent Children (AFDC); Aid to the Aged (AA); Aid to the Blind (AB); and Aid to the Disabled (AD).

The payment level for Aid to Families with Dependent Children shall be fifty percent (50%) of the standard of need.

These standards may be changed with the approval of the Director of the Budget with the advice of the Advisory Budget Commission.

~~(e) Spouse Responsibility. The Department of Human Resources, Division of Medical Assistance, may not consider the income or assets of the spouse of a person who is admitted as a long-term care patient in a certified public or private intermediate care or skilled nursing facility to be available to the institutionalized person. This provision will~~

~~remain in effect until superseded by federal law under the Medicare Catastrophic Coverage Act of 1988, on September 1, 1989.~~

~~(f)~~(e) Dental Coverage Limits. ~~Dental~~ Until October 1, 1992, dental services will be provided on a restricted basis in accordance with regulations developed by the Department. Funds for dental services shall be disbursed only with prior approval by the Department of Human Resources, Division of Medical Assistance, as required by this subsection. No prior approval shall be required for emergency services or routine services. Routine services are defined as examinations, X rays, prophylaxes, nonsurgical tooth extractions, amalgam fillings, and fluoride treatments. Prior approval shall be required for all other services and for routine services performed more than two times during a consecutive 12-month period. The Department of Human Resources shall adopt rules, as provided by the Administrative Procedure Act, to implement this subsection. Effective October 1, 1992, dental services shall be provided on a restricted basis in accordance with rules adopted by the Department to implement this subsection.

~~(g)~~(f) Dispensing of Generic Drugs. Notwithstanding G.S. 90-85.27 through G.S. 90-85.31, under the Medical Assistance Program (Title XIX of the Social Security Act) a prescription order for a drug designated by a trade or brand name shall be considered to be an order for the drug by its established or generic name, except when the prescriber personally indicates, either orally or in his own handwriting on the prescription order, 'dispense as written' or words of similar meaning. Generic drugs, when available in the pharmacy, shall be dispensed at a lower cost to the Medical Assistance Program rather than trade or brand name drugs, subject to the prescriber's 'dispense as written' order as noted above.

As used in this subsection 'brand name' means the proprietary name the manufacturer places upon a drug product or on its container, label, or wrapping at the time of packaging; and "established name" has the same meaning as in section 502(e)(3) of the Federal Food, Drug and Cosmetic Act as amended, 21 U.S.C. § 352(e)(3).

~~(h)~~(g) Exceptions to Service Limitations, Eligibility Requirements, and Payments. Service limitations, eligibility requirements, and payments, and payments bases in this section may be waived by the Department of Human Resources, with the approval of the Director of the Budget, to allow the Department to carry out pilot programs for prepaid health plans or community based services programs in accordance with plans approved by the United States Department of Health and Human Services, or when the Department determines that such a waiver will result in a reduction in the total Medicaid costs for the recipient.

~~(i)~~(h) Volume Purchase Plans and Single Source Procurement. The Department of Human Resources, Division of Medical Assistance, may, subject to the approval of a change in the State Medicaid Plan, contract for services, medical equipment, supplies, and appliances by implementation of volume purchase plans, single source procurement or other similar processes in order to improve cost containment.

~~(j)~~(i) Cost Containment Programs. The Department of Human Resources, Division of Medical Assistance, may undertake cost containment programs including preadmissions to hospitals and prior approval for certain outpatient surgeries before they may be performed in an inpatient setting.

~~(k)~~(j) For all Medicaid eligibility classifications for which the federal poverty level is used as an income limit for eligibility determination, the income limits will be updated each ~~July~~ April 1 immediately following publication of federal poverty guidelines.

~~(l)~~(k) Effective January 1, 1988, the Department of Human Resources shall provide Medicaid to 19-, 20-, and 21-year-olds in accordance with federal rules and regulations.

~~(m)~~(l) The Department of Human Resources shall provide coverage to pregnant women and children according to the following schedule:

(1) Pregnant women with incomes equal to or less than one hundred eighty-five percent (185%) of the federal poverty guidelines as revised each ~~July~~ April 1 shall be covered for Medicaid benefits;

(2) Infants under the age of 1 with family incomes equal to or less than one hundred eighty-five percent (185%) of the federal poverty guidelines as revised each ~~July~~ April 1, shall be covered for Medicaid benefits;

(3) Children aged 1 through 5 with family incomes equal to or less than one hundred thirty-three percent (133%) of the federal poverty guidelines as revised each ~~July~~ April 1 shall be covered for Medicaid benefits; and

(4) Children aged 6 through 18 who were born after September 30, 1983, with family incomes equal to the federal poverty guidelines as revised each ~~July~~ April 1, shall be covered for Medicaid benefits.

Services to pregnant women eligible under this section continue throughout the pregnancy but include only those related to pregnancy and to those other conditions determined by the Department as conditions that may complicate pregnancy. In order to reduce county administrative costs and to expedite the provision of medical services to pregnant women, to infants, and to children eligible under this section, no resources test shall be applied.

~~(n)~~(m) The Department of Human Resources may use Medicaid funds budgeted from program services to support the cost of administrative activities to the extent that these administrative activities produce a net savings in services requirements. Administrative initiatives funded by this section shall be first approved by the Office of State Budget and Management."

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

PHYSICIAN SERVICES

Sec. 130. With the approval of the Office of State Budget and Management, the Department of Human Resources may use funds appropriated in this act for across-the-board salary increases and performance pay to offset similar increases in the costs of contracting with private and independent universities for the provision of physician services to clients in facilities operated by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. This offsetting shall be done in the same manner as is currently done with constituent institutions of The University of North Carolina.

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

LIABILITY INSURANCE

Sec. 131. Section 114 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 114. The Secretary of the Department of Human Resources, the Secretary of the Department of Environment, Health, and Natural Resources, and the Secretary of the Department of Correction may provide medical liability coverage not to exceed $1,000,000 on behalf of employees of the Departments licensed to practice medicine or ~~dentistry.~~ dentistry, and on behalf of medical residents from The University of North Carolina who are in training at institutions operated by the Department of Human Resources. This coverage may include commercial insurance or self-insurance and shall cover these ~~employees~~ individuals for their acts or omissions only while they are engaged in providing medical and dental services pursuant to their State ~~employment.~~ employment or training.

The coverage provided under this section shall not cover any ~~employee~~ individual for any act or omission that the ~~employee~~ individual knows or reasonably should know constitutes a violation of the applicable criminal laws of any state or the United States, or that arises out of any sexual, fraudulent, criminal, or malicious act, or out of any act amounting to willful or wanton negligence.

The coverage provided pursuant to this section shall not require any additional appropriations and shall not apply to any individual providing contractual service to the Department of Human Resources, the Department of Environment, Health, and

Natural Resources, or the Department of ~~Correction.~~ Correction, with the exception that coverage may include medical residents from The University of North Carolina who are in training at institutions operated by the Department of Human Resources."

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

NON-MEDICAID REIMBURSEMENT

Sec. 132. Section 115 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 115. Providers of medical services under the various State programs, other than Medicaid, offering medical care to citizens of the State shall be reimbursed at rates no more than those under the North Carolina Medical Assistance Program.

The Department of Human Resources may reimburse hospitals at the full prospective per diem rates without regard to the Medical Assistance Program's annual limits on hospital days. When the Medical Assistance Program's per diem rates for inpatient services and its interim rates for outpatient services are used to reimburse providers in non-Medicaid medical service programs, retroactive adjustments to claims already paid shall not be required.

Notwithstanding the provisions of paragraph one of this section, the Department of Human Resources may negotiate with providers of medical services under the various Department of Human Resources' programs, other than Medicaid, for rates as close as possible to Medicaid rates for the following purposes: contracts or agreements for medical services and purchases of medical equipment and other medical supplies. These negotiated rates are allowable only to meet the medical needs of its non-Medicaid eligible patients, residents, and clients who require these services that cannot be provided when limited to the Medicaid rate.

Maximum net family annual income eligibility standards for services in these programs shall be as follows:

Family Size	Medical Eye Care Adults	All Rehabilitation	Other
1	$4,860	$ 8,364	$4,200
2	5,940	10,944	5,300
3	6,204	13,500	6,400
4	7,284	16,092	7,500
5	7,824	18,648	7,900
6	8,220	21,228	8,300
7	8,772	21,708	8,800
8	9,312	22,220	9,300

The eligibility level for children in the Medical Eye Care Program in the Division of Services for the Blind and for adults in the Clozaril program in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall be one hundred percent (100%) of the federal poverty guidelines, as revised annually by the United States Department of Health and Human Services and in effect on July 1 of each fiscal year.

The Department of Human Resources shall contract at, or as close as possible to, Medicaid rates for medical services provided to residents of State facilities of the Department."

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

DEVELOPMENTAL DAY CENTERS' GRANT-IN-AID

Sec. 133. Section 118 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 118. Of the funds appropriated ~~in this Title~~, to the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Substance

Abuse Services, the sum of ~~$2,260,470~~ two million two hundred sixty thousand four hundred seventy dollars ($2,260,470) for the 1991-92 fiscal year ~~is~~ and two million three hundred one thousand two hundred forty-eight dollars ($2,301,248) for the 1992-93 fiscal year are transferred to the Department of Public Instruction for handicapped children aged 3 through 4 years who have been identified through Division of Mental Health, Developmental Disabilities, and Substance Abuse Services statewide services and who are served in developmental day centers. These funds shall be used to contract with area mental health, developmental disabilities, and substance abuse authorities or with public or private nonprofit developmental day centers to continue to serve handicapped children aged 3 through 4 years who are identified as needing developmental day services.

The Department of Public Instruction shall report to the General Assembly and to the Fiscal Research Division by May 1, ~~1992,~~ 1992 and May 1, 1993, regarding the use of the funds transferred to it by this section."

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

DEPARTMENT OF HUMAN RESOURCES PROGRAM FUNDS

Sec. 134. Section 132 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 132. Notwithstanding the provisions of G.S. 143-23, the Secretary of the Department of Human Resources, with the approval of the Office of State Budget and Management, may use, to the extent possible, any funds appropriated or otherwise available to the Department in the 1991-92 fiscal year and in the 1992-93 fiscal year for the Mental Health Accounts Receivable/Billing System."

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

ICF/MR/DD PLAN AND IMPLEMENTATION SCHEDULE

Sec. 135. The Department of Human Resources shall develop a plan and an implementation schedule to address the escalating use and costs of intermediate care facilities for the mentally retarded/developmentally disabled (ICF/MR/DD) community facilities. This plan shall include provisions for the Area Mental Health, Developmental Disabilities, and Substance Abuse Services authorities to screen all clients for all Developmental Disabilities programs, including ICF/MR/DD facilities. The plan shall also include alternative, less costly methods for establishing ICF/MR/DD community facility reimbursement rates and alternative, less costly services that could meet the needs of people currently in ICF/MR/DD community facilities. Any new reimbursement rate methodology shall be applied to all facilities seeking a Certificate of Need after a date to be specified by the Department and shall be phased in according to a schedule developed by the Department for all existing ICF/MR/DD community facilities. The Department shall implement elements of the plan as quickly as possible and shall present the plan and any results of its implementation to the General Assembly by March 1, 1993.

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FUNDS

Sec. 136. (a) Of the funds appropriated in this act to the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, the sum of nine million dollars ($9,000,000) for the 1992-93 fiscal year shall be expended in accordance with the plans developed by the Mental Health Study Commission and adopted by the General Assembly.

These funds shall be allocated as follows:

(1)	Services for the mentally ill	$3,000,000;
(2)	Services for the developmentally disabled	$3,00,000; and
(3)	Services for substance abusers	$3,000,000.

(b) Of the funds allocated in subsection (a) of this section for services for the developmentally disabled, three hundred thousand dollars ($300,000) shall be transferred in the 1992-93 fiscal year to the Division of Maternal and Child Health, Department of Environment, Health, and Natural Resources, for the United Cerebral Palsy therapeutic preschool programs.

(c) The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall ensure that the funds expended under this section are used for the disability populations for which they were intended.

(d) The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall report to the General Assembly by March 1, 1993, regarding the expenditure of funds authorized by this section.

(e) To the maximum extent possible, Area Mental Health Authorities are encouraged to develop service implementation plans in accordance with the long-range plans of the Mental Health Study Commission and with the involvement of local affected organizations. These plans may be used as the basis for future budget requests submitted to the Division.

Criteria for development and content of these plans shall be developed by the Department of Human Resources and the members of Coalition 2001 and presented to the Mental Health Study Commission for consideration by November 1, 1992. The plans themselves shall be ready for review by the Department and the Mental Health Study Commission by November 1, 1993.

(f) In recognition of Senator Kenneth C. Royall, Jr.'s career-long commitment to mental health, the increase in funding in Chapter 812 of the 1991 Session Laws for the Alcohol, Drug Abuse, and Mental Health Services Block Grant for adult and child mental health services shall be used, to the extent allowed by federal law, to implement the Child and Adult Mental Health plans developed by the Mental Health Study Commission, endorsed by Coalition 2001, and adopted by the General Assembly.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

CERTIFICATE OF NEED/MEDICAID

Sec. 137. (a) G.S. 131E-185(b) is repealed.

(b) G.S. 131E-185(c) reads as rewritten:

"(c) The Department ~~shall promulgate rules establishing criteria for determining when it would not be practicable to complete a review within 90 days from the beginning date of the review period for the application. If the Department finds that these criteria are met for a particular project, it~~ may extend the review period for a period not to exceed 60 days and provide notice of such extension to all applicants."

(c) G.S. 131E-186 reads as rewritten:

"**§ 131E-186. Decision.**

(a) Within the prescribed time limits in G.S. 131E-185, the Department shall issue a decision to 'approve,' 'approve with conditions,' or 'deny,' an application for a new institutional health service. Approvals involving new or expanded nursing care or intermediate care for the mentally retarded bed capacity shall include a condition that specifies the earliest possible date the new institutional health service may be certified for participation in the Medicaid program. The date shall be set far enough in advance to allow the Department to identify funds to pay for care in the new or expanded facility in its existing Medicaid budget or to include these funds in its State Medicaid budget request for the year in which Medicaid certification is expected.

(b) Within five business days after it makes a decision on an application, the Department shall provide written notice of all the findings and conclusions upon which it based its decision, including the criteria used by the Department in making its decision, to ~~both the applicant and to the appropriate health systems agency.~~ the applicant."

(d) This section is effective upon ratification.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

ICF AND ICF/MR WORK INCENTIVE ALLOWANCES

Sec. 138. Effective October 1, 1992, the Department of Human Resources may provide an incentive allowance to Medicaid eligible recipients of ICF and ICF/MR facilities who are regularly engaged in work activities as part of their developmental plan and for whom retention of additional income contributes to their achievement of independence. The State funds required to match the federal funds that are required by these allowances shall be provided from savings within the Medicaid budget or from other unbudgeted funds available to the Department. The incentive allowances may be as follows:

Monthly Net Wages	Monthly Incentive Allowance
$1.00 to $100.00	Up to $50.00
$101.00 to $200.00	$80.00
$201.00 to $300.00	$130.00
$301.00 and greater	$212.00.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye, Diamont

STATE/LOCAL CHILD FATALITY PREVENTION INITIATIVES

Sec. 139. (a) The Department of Human Resources shall conduct a study of how best to ensure the county child protective services programs' accountability, to ensure that their management organization is the best it can be, and to determine whether there is a need for stronger State supervision of the county programs. The Department shall report the results of this study, including any legislative proposals, to the 1993 General Assembly by March 1, 1993.

(b) The Department of Human Resources, Division of Social Services, shall ensure that community interdisciplinary teams develop protocols to use in child abuse and neglect reviews.

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling, Diamont

SOCIAL SERVICES' PROTECTIVE SERVICES' ALLOCATION

Sec. 140. Of the funds appropriated to the Department of Human Resources, Division of Social Services, for the 1992-93 fiscal year for child protective services, the sum of one million dollars ($1,000,000) shall be allocated among all of the county departments of social services based on the percentage that the total number of child abuse and neglect reports within that county represents to the statewide total number of child abuse and neglect reports. These percentages shall be computed from the reports received by the Central Registry of Abuse and Neglect for the last two fiscal years.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye, Diamont

TASK FORCE ON CHILD PROTECTIVE SERVICES FUNDING

Sec. 141. The Secretary of the Department of Human Resources shall appoint a Task Force on the Financing of Child Protective Services Programs. The Task Force shall be composed of officials from State and local government agencies that affect child protective services development or delivery, at least one member of the House of Representatives, and one member of the Senate. The Task Force shall develop recommendations for State/county cost sharing of child protective services programs. Each recommendation shall include an assessment of fiscal impact and a schedule for implementation. Among the options studied, the Task Force shall consider a recommendation that applies a sliding match requirement to counties based on the counties' ability to pay and their relative burden of public assistance cases. The Task Force shall report the results of its study, together with any recommendations, including any legislative proposals, to the 1993 General Assembly and to the Fiscal Research

Division of the Legislative Services Office within one week of the convening of the 1993 General Assembly.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

ADOPTION SUBSIDY

Sec. 142. Section 99 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 99. ~~The~~ Effective July 1, 1991, the adoption subsidy paid monthly by the Division of Social Services, Department of Human Resources, to eligible families who adopt hard-to-place children shall be established at ~~$150.00~~ one hundred fifty dollars ($150.00) per child per month. Effective July 1, 1992, this adoption subsidy shall be established at two hundred dollars ($200.00) per child per month."

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling, Diamont

INFANT MORTALITY FUNDS

Sec. 143. The Department of Human Resources, Division of Medical Assistance, with support by the Office of Rural Health and Resource Development, the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, the Governor's Commission on the Reduction of Infant Mortality, and other relevant community groups, shall conduct a study to determine the extent to which the lack of provider participation in the Medicaid program creates access barriers to pregnant women and children on Medicaid. The study shall examine the extent of participation in the Medicaid program by obstetricians, family practitioners, certified nurse midwives, and pediatricians who provide prenatal, delivery, or pediatric services, as well as different methods of increasing provider participation. The Division of Medical Assistance shall report its findings to the 1993 General Assembly no later than March 15, 1993.

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

DOMICILIARY CARE REIMBURSEMENT RATE INCREASE

Sec. 144. Section 127 of Chapter 689 of the 1991 Session Laws, as rewritten by Section 221 of Chapter 689 of the 1991 Session Laws, reads as rewritten:

"Sec. 127. Effective July 1, 1991, the maximum monthly rate for ambulatory residents in domiciliary care facilities shall be ~~$832.00~~ eight hundred thirty-two dollars ($832.00) and the maximum monthly rate for semiambulatory residents shall be ~~$871.00.~~ eight hundred seventy-one dollars ($871.00). Effective July 1, 1992, the maximum monthly rates for ambulatory residents shall be increased to ~~$843.00~~ eight hundred eighty-nine dollars ($889.00) and for semiambulatory residents to ~~$882.00.~~ nine hundred twenty-eight dollars ($928.00)."

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

ADOLESCENT PARENTING PROGRAM

Sec. 145. The Division of Social Services, Department of Human Resources, shall evaluate all of the adolescent parenting program and shall report its findings to the House and Senate Appropriations Committees by January 1, 1993.

The evaluations of these programs shall include a study of the effectiveness of the programs in preventing the second pregnancies, enhancing parenting skills, improving prenatal and perinatal care, and continuing secondary education participation among the target population.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

CHILD DAY CARE REVOLVING LOAN FUND

Sec. 146. Notwithstanding any law to the contrary, funds budgeted for the Child Day Care Revolving Loan Fund may be transferred to and invested by the financial

institution contracted to operate the Fund. The principal and any income to the Fund may be used to make loans, reduce loan interest to borrowers, serve as collateral for borrowers, pay the contractor's cost of operating the Fund, or to pay the Department's cost of administering the program.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

SOCIAL SERVICES PLAN/FAMILY PRESERVATION SERVICES

Sec. 147. (a) Of the funds appropriated to the Department of Human Resources, Division of Social Services, in this act for the 1992-93 fiscal year, the sum of four hundred ten thousand dollars ($410,000) shall be used to enable the Department to develop further the Social Services Plan, in consultation and cooperation with other appropriate agencies and organizations and consistent with the policies as provided by Chapter 448 of the 1989 Session Laws.

As part of the further development of the Social Services Plan, the Department of Human Resources shall pilot in three to five counties the core services as described in its report on the Social Services Plan to the General Assembly. The piloting shall include the establishment of minimum standards for the provision of the core services, including the staffing standards, caseload standards, training standards, and facilities standards.

In implementing Family Centered Services as a core service, the Secretary of the Department of Human Resources shall consider the advice and recommendations of the Advisory Committee on Family Centered Services.

These funds may be used as a match for federal funds that may be available in order to maximize support for the pilot. Funds appropriated by the General Assembly to be allocated to counties for child protective services shall be used by the pilot counties to strengthen investigations and treatment in Child Protective Services as a core service. Any funds allocated to counties pursuant to this subsection shall be matched by the counties at the rate of one county dollar for every three State dollars.

(b) Of the funds appropriated to the Department of Human Resources, Division of Social Services, the sum of fifty thousand dollars ($50,000) for the 1992-93 fiscal year shall be used to make grants to public or private agencies to develop and implement model programs of locally based Family Preservation Services as provided in Part 4A of Article 3 of Chapter 143B of the General Statutes, Family Preservation Act. These funds shall be used in conjunction with funds identified within the Department to implement the Family Preservation Services Program as provided in this section. The Secretary of the Department of Human Resources shall ensure that the development of these Family Preservation Models and the piloting of the core social services described in subsection (a) of this section are coordinated at State and local levels to achieve the most effective service delivery for families and use of available funding sources.

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

IN-HOME AIDE SERVICES SUPERVISORY VISIT

Sec. 148. (a) Each home care agency shall conduct at least one supervisory visit each quarter to the home of at least one client served by each in-home aide providing services subject to licensure under Part C of Article 6 of Chapter 131E of the General Statutes and funded through the Divisions of Aging and Social Services, who has been employed by that agency for at least one month.

(b) This section does not apply to supervisory visits to homes of clients served by an aide who is functioning as a Nurse Aide I.

(c) This section expires March 31, 1993, if funds are available to the Department by that date to fund fully the In-Home Aide supervisory visits required by Part C of Article 6 of Chapter 131E of the General Statutes. The Department shall report to the Subcommittee on Human Resources of the Senate Appropriations Committee by March 1, 1993, if funds are not available. If funds are not available by March 31, 1993, this section expires June 30, 1993.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

CERTIFICATE OF NEED TEMPORARY RULES

Sec. 149. G.S. 150B-21.1(a) reads as rewritten:

"(a) Adoption. — An agency may adopt a temporary rule without prior notice or hearing or upon any abbreviated notice or hearing the agency finds practical when it finds that adherence to the notice and hearing requirements of this Part would be contrary to the public interest and that the immediate adoption of the rule is required by one or more of the following:

(1) A serious and unforeseen threat to the public health, safety, or welfare.
(2) The effective date of a recent act of the General Assembly or the United States Congress.
(3) A recent change in federal or State budgetary policy.
(4) A federal regulation.
(5) A court order.
(6) The need for the rule to become effective the same date as the State Medical Facilities Plan approved by the Governor, if the rule addresses a matter included in the State Medical Facilities Plan.

An agency must prepare a written statement of its findings of need for a temporary rule. The statement must be signed by the head of the agency adopting the rule.

An agency must begin rule-making proceedings for a permanent rule by the day it adopts a temporary rule. An agency begins rule-making proceedings for a permanent rule by submitting to the codifier written notice of its intent to adopt a permanent rule."

Requested by: Senators Plyler, Basnight, Richardson, Walker,
Representatives Easterling, Nye

BUSINESS AND CONSUMER ADVISORY COUNCIL FOR THE DIVISION OF VOCATIONAL REHABILITATION SERVICES

Sec. 150. Article 59 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-548. Business and Consumer Advisory Council.

(a) There is established a Business and Consumer Advisory Council within the Division of Vocational Rehabilitation Services to be composed of 15 voting members and of the Director of the Division of Vocational Rehabilitation Services, who shall serve ex officio as a nonvoting member. The President Pro Tempore of the Senate shall appoint four members, the Speaker of the House of Representatives shall appoint four members, and the Governor shall appoint seven members. All members shall serve three-year terms. Vacant appointments shall be filled by the appointing officer who made the initial appointments. Members may be appointed to succeed themselves. Appointments shall be made as follows:

(1) Of the four members appointed by the President Pro Tempore of the Senate, one shall be recommended by the North Carolina Citizens for Business and Industry, two others shall be providers of community rehabilitation services, and one other shall be a representative from the North Carolina Council for the Deaf and the Hard of Hearing;
(2) Of the four members appointed by the Speaker of the House of Representatives, one shall be from the business and industry sector, two others shall be parents of disabled youth who are approaching the age to be served by the Vocational Rehabilitation Program, and one other shall be a representative from the organizations representing the mentally ill; and
(3) Of the seven members appointed by the Governor, one shall be from the business and industry sector, one other shall represent the regional rehabilitation centers for the physically disabled appointed from a list provided by the advisory committee to those centers, one other shall be a representative from the State Independent Living Council, one other shall be a representative from the Client Assistance Program, one other shall be a representative

from the operators of centers for Independent Living, and two others shall be members of the public who are themselves disabled, are parents of children with disabilities, or are direct care providers of services for persons with disabilities.

(b) The Council shall:

(1) Advise the Division on matters relating to services, the impact of services provided and functions performed by all State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving rehabilitation goals and objectives;

(2) Advise the Division and, at the discretion of the Division, assist in the preparation of the State Plan, the Strategic Plan, and their amendments;

(3) Participate in cooperation with the Division in the State Plan public hearing process; and

(4) Advise the Division on coordination and linkage with the Statewide Independent Living Council and independent living centers within the State.

(c) The Secretary of Human Resources shall designate as Chair of the Council one of the members of the Council at the first meeting of the Council. The Chair's term is a single three-year term. The Secretary shall designate the Chair's successor at the next meeting following this term's expiration.

(d) The Council shall meet at least quarterly and at other times at the call of the Chair. A majority of the voting members of the Council constitutes a quorum.

(e) The Division of Vocational Rehabilitation Services shall supply all necessary clerical and staff support to the Council. Council members shall be reimbursed for expenses incurred in the performance of their duties in accordance with G.S. 138-5.

(f) All appointments to the Council shall be made by September 30, 1992."

Requested by: Senators Richardson, Walker,
Representatives Nye, Easterling

DHR DURABLE MEDICAL EQUIPMENT FUNDS

Sec. 151. If the Secretary of the Department of Human Resources determines that a reduction to provider reimbursements for Durable Medical Equipment is detrimental to Medicaid patients because patients cannot obtain this equipment at Medicaid rates, the Secretary may adjust provider reimbursements. The Secretary may use funds otherwise available to the Department to fund the costs of these adjustments.

PART 23. DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Ethridge, H. Hunter

MCNC BUDGET LIMITS

Sec. 152. Section 150 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 150. (a) The funds appropriated in this act to MCNC shall be used as follows:

	FY 1991-92	FY 1992-93
Microelectronics Program	$ 6,194,302	~~$6,000,000~~ 4,768,966
Grants Program	-0-	-0-
Administration & Support	2,204,804	2,000,000
Supercomputer	5,298,063	5,224,705
Telecommunications	2,827,971	~~2,775,295~~ 4,006,329

(b) Of the funds appropriated to MCNC for the Microelectronics Program, ~~$2,000,000~~ two million dollars ($2,000,000) of the total appropriation in each fiscal year is contingent upon a dollar-for-dollar match in non-State funds.

(c) If MCNC finds it necessary to make changes in the program allocations specified in subsection (a) of this Section, MCNC shall report such changes to the Joint

Legislative Commission on Governmental Operations ~~within 30 days of the reallocation.~~ 30 days before the reallocation."

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

HOME PROGRAM MATCHING FUNDS

Sec. 153. (a) Section 225 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 225. ~~The Department of Economic and Community Development shall not spend any funds appropriated in this Title for the State administration of the federal HOME Program until Congress appropriates federal funds for the Program.~~ Funds appropriated in this act to the Department of Economic and Community Development for the federal HOME Program shall be used by the Department to match federal funds appropriated for the HOME Program. In allocating State funds appropriated to match federal HOME Program funds, the Department shall give priority to HOME Program projects, as follows:

(1) First priority to projects that are located in counties designated as severely distressed counties under G.S. 105-130.40(c) or G.S. 105-151.17(c); and

(2) Second priority to projects that benefit persons and families whose incomes are fifty percent (50%) or less of the median family income for the local area, with adjustments for family size, according to the latest figures available from the U.S. Department of Housing and Urban Development.

The Department of Economic and Community Development shall report to the General Assembly by April 1, 1993, concerning the status of the 1992 and 1993 HOME Programs and shall include in the report information on priorities met, types of activities funded, and types of activities not funded."

(b) Funds appropriated in this act to match federal HOME Program funds shall not revert to the General Fund on June 30, 1993.

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

PETROLEUM OVERCHARGE FUNDS ALLOCATION

Sec. 154. Section 223 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 223. (a) The funds and interest thereon received from the case of United States v. Exxon are deposited in the Special Reserve for Oil Overcharge Funds. There is appropriated from the Special Reserve to the Department of Economic and Community Development the sum of ~~$10,900,000~~ ten million nine hundred thousand dollars ($10,900,000) for the 1991-92 fiscal year and the sum of ~~$6,001,511~~ six million one thousand five hundred eleven dollars ($6,001,511) for the 1992-93 fiscal year to be allocated as follows:

(1) $2,200,000 for the 1991-92 fiscal year and $1,200,302 for the 1992-93 fiscal year shall be used for projects under the State Energy Conservation Plan and Energy Extension Service Program:

(2) $2,500,000 for the 1991-92 fiscal year and $1,380,348 for the 1992-93 fiscal year shall be used for energy conservation programs for hospitals and schools:

(3) $3,200,000 for the 1991-92 fiscal year and ~~$1,740,438~~ $2,158,048 for the 1992-93 fiscal year shall be used for the Low Income Weatherization Program:

(4) $3,000,000 for the 1991-92 fiscal year and ~~$1,680,423~~ $1,262,813 for the 1992-93 fiscal year shall be used for the Low Income Home Energy Assistance Program (LIHEAP).

(b) There is appropriated from the funds and interest thereon received from the United States Department of Energy's Stripper Well Litigation (MDL378) which remain in the Special Reserve for Oil Overcharge Funds to the Department of Economic and

Community Development the sum of ~~$4,898,489~~ four million eight hundred ninety-eight thousand four hundred eighty-nine dollars ($4,898,489) for the 1992-93 fiscal year to be allocated as follows:

(1) $999,698 shall be used for projects under the State Energy Conservation Plan and Energy Extension Service Program;

(2) $1,119,652 shall be used for energy conservation programs for hospitals and ~~schools;~~ schools; and

(3) ~~$1,459,562~~ $2,779,139 shall be used for the Low Income Weatherization ~~Program; and~~ Program.

~~(4) $1,319,577 shall be used for the Low Income Home Energy Assistance Program (LIHEAP).~~

(c) Any funds remaining in the Special Reserve for Oil Overcharge Funds after the allocations made pursuant to subsections (a) and (b) of this section may be expended only as authorized by the General Assembly. All interest or income accruing from all deposits or investments of cash balances shall be credited to the Special Reserve for Oil Overcharge Funds.

(d) The funds and interest thereon received from the Diamond Shamrock Settlement which remain in a reserve in the Office of State Budget and Management for the Division of Energy to administer the petroleum overcharge funds pursuant to Section 112 of Chapter 830 of the 1987 Session Laws shall continue to be available to the Division of Energy in the Department of Economic and Community Development on an as-needed basis.

(e) The Department of Economic and Community Development shall submit comprehensive annual reports to the General Assembly by May 15, 1992, and January 31, 1993, which detail the use of all petroleum overcharge funds. Any State department or agency that has received petroleum overcharge funds shall provide all information requested by the Department of Economic and Community Development for the purpose of preparing these reports."

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

MAIN STREET FUND RESTRICTIONS

Sec. 155. Section 140(c) of Chapter 689 of the 1991 Session Laws reads as rewritten:

"(c) Notwithstanding G.S. 143B-472.35, the Department of Economic and Community Development shall transfer ~~$100,000~~ forty thousand dollars ($40,000) of interest earnings in the Main Street Financial Incentive Fund from the Fund to the General Fund for fiscal year ~~1991-92.~~ 1992-93. ~~The Department shall transfer funds pursuant to this subsection on July 1, 1991.~~ The Department shall transfer funds pursuant to this subsection beginning July 1, 1992, in equal payments on a quarterly basis."

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Ethridge, H. Hunter

COMMUNITY DEVELOPMENT BLOCK GRANT REPORTS

Sec. 156. The Department of Economic and Community Development shall report on a quarterly basis beginning October 1, 1992, to the House Appropriations Subcommittee on Environment, Health, and Natural Resources and the Senate Appropriations Committee on Natural and Economic Resources on the Community Development Block Grant. Each report shall include a listing and description of the most recent grant awards, the status of the administration of each component of the block grant, the current status of next year's program design, and a description of any proposed or necessary changes to the program design.

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Ethridge, H. Hunter

ECONOMIC DEVELOPMENT FUNDS

Sec. 157. (a) Of the funds appropriated in this act to the North Carolina Rural Economic Development Center, Inc., one million four hundred thousand dollars ($1,400,000) for the 1992-93 fiscal year, shall be allocated to local community development corporations. These funds shall be used to support community economic development projects and activities within the State's minority community.

Of these funds, one million one hundred thousand dollars ($1,100,000) shall be available for direct grants to the local community development corporations that have previously received State funds for this purpose to support operations and project activities, one hundred thousand dollars ($100,000) shall be available for direct grants to local community development corporations that have not previously received State funds for this purpose to support operations and project activities, fifty thousand dollars ($50,000) shall be used for the Community Development Housing Counseling Demonstration Project, and one hundred fifty thousand dollars ($150,000) shall be a direct grant to the North Carolina Association of Community Development Corporations, to support project activities and to fund the North Carolina Association of Community Development Corporations' loan fund. If funds allocated under this subsection for direct grants to community development corporations that have previously received State funds have not been committed for direct grants by the North Carolina Rural Economic Development Center by March 31, 1993, then such uncommitted funds shall be used for direct grants to community development corporations that have not previously received State funds. The North Carolina Rural Economic Development Center, Inc., shall establish and implement performance-based criteria for determining which community development corporations will receive a grant and the grant amounts.

The North Carolina Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of the funds allocated in this subsection.

For purposes of this subsection, the term "community development corporation" means a nonprofit corporation:

(1) Chartered pursuant to Chapter 55A of the General Statutes;
(2) Tax-exempt pursuant to section 501(c)(3) of the Internal Revenue Code;
(3) Whose primary mission is to develop and improve low-income communities and neighborhoods through economic and related development;
(4) Whose activities and decisions are initiated, managed, and controlled by the constituents of those local communities; and
(5) Whose primary function is to act as deal maker and packager of projects and activities that will increase their constituencies' opportunities to become owners, managers, and producers of small businesses, affordable housing, and jobs designed to produce positive cash flow and curb blight in the target community.

(b) Of the funds appropriated in this act to the Office of State Budget and Management, three hundred thousand dollars ($300,000) for the 1992-93 fiscal year shall be allocated for the Land Loss Prevention Project, Inc., to provide free legal representation to low-income financially distressed small farmers. The Land Loss Prevention Project, Inc., shall not use these funds to represent farmers who have income and assets that would make them financially ineligible for legal services pursuant to Title 45, Part 1611 of the Code of Federal Regulations. The Land Loss Prevention Project, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(c) Of the funds appropriated in this act to the Office of State Budget and Management, two hundred fifty thousand dollars ($250,000) for the 1992-93 fiscal year shall be allocated for the North Carolina Coalition of Farm and Rural Families, Inc., for its Small Farm Economic Development Project. These funds shall be used to foster

economic development within the State's rural farm communities by offering financial, marketing, and technical assistance to small and limited resource farmers. The North Carolina Coalition of Farm and Rural Families, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(d) Of the funds appropriated in this act to the Office of State Budget and Management, two hundred thousand dollars ($200,000) for the 1992-93 fiscal year shall be allocated to the North Carolina Institute for Minority Economic Development, Inc., to foster minority economic development within the State through policy analysis, information and technical assistance, and resource expansion. The North Carolina Institute for Minority Economic Development, Inc., shall research and identify key issues affecting the economic well-being of the State's ethnic minority community and issue annual reports with appropriate recommendations; provide information and technical assistance to organizations with minority economic development-based projects in common areas of need and interests; develop a resource bank of data and information; facilitate training in appropriate areas of need; and provide technical assistance to minority construction contractors. The North Carolina Institute for Minority Economic Development, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(e) Of the funds appropriated in this act to the North Carolina Rural Economic Development Center, Inc., one hundred thousand dollars ($100,000) for the 1992-93 fiscal year shall be allocated to the North Carolina Minority Credit Union Support Center, Inc., for operational and administrative support. The North Carolina Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(f) Of the funds appropriated in this act to the North Carolina Rural Economic Development Center, Inc., six hundred fifty thousand dollars ($650,000) for the 1992-93 fiscal year shall be used to expand the Microenterprise Loan Program. Of these funds, no less than four hundred thousand dollars ($400,000) shall be used as loan loss reserves and no more than two hundred fifty thousand dollars ($250,000) shall be used to cover operational costs. The North Carolina Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds.

(g) Of the funds appropriated in this act to the North Carolina Rural Economic Development Center, Inc., fifty thousand dollars ($50,000) for the 1992-93 fiscal year shall be used for its expenses in administering this section. The Office of State Budget and Management shall allot the funds pursuant to subsections (e) and (f) of this section in increments of not less than two hundred thousand dollars ($200,000) and not more than three hundred twenty-five thousand dollars ($325,000) within 30 working days of the receipt of the Center's request for the funds. The North Carolina Rural Economic Development Center, Inc., shall distribute the funds pursuant to subsections (e) and (f) of this section immediately upon allotment by the Office of State Budget and Management.

(h) Of the funds appropriated in this act to the North Carolina Rural Economic Development Center, Inc., seventy-five thousand dollars ($75,000) for the 1992-93 fiscal year shall be allocated as follows:

(1) $25,000 to the Opportunities Industrialization Center of Wilson, Inc., for its on-going training programs; and

(2) $25,000 to Opportunities Industrialization Center, Inc., in Rocky Mount, for its on-going training programs; and

(3) $25,000 to Pitt-Greenville Opportunities Industrialization Center, Inc., for its on-going job training programs.

The North Carolina Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of funds allocated in this subsection.

(i) The Rural Economic Development Center, Inc., shall not distribute funds under subsections (a), (e), (f), and (h) of this section unless and until the entities eligible for funds under these subsections have met the requirements of G.S. 143-6.1.

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY

Sec. 158. Section 154.1(g) of Chapter 689 of the 1991 Session Laws reads as rewritten:

"(g) Effective September 1, 1991:

(1) The below described land and improvements, formerly known as the 'Science and Technology Research Center', together with property installed in the building and other movable equipment and supplies shall be transferred by the State of North Carolina to The North Carolina Technological Development Authority, Inc.: BEGINNING at an iron pin located at North Carolina Grid Coordinate, north 783,348.879 east 2,041,863.310; runs thence South 9 degrees 17 minutes West 261.50 feet to an iron pin; runs thence North 67 degrees 54 minutes West 698 feet to an iron pipe; runs thence North 37 degrees 50 minutes East 48.50 feet to an iron pin; runs thence North 45 degrees 50 minutes East 340.00 feet to an iron pin; runs thence North 13 degrees 18 minutes East 345.72 feet to an iron pin in the southern line of Cornwallis Road; runs thence along the southern line of Cornwallis Road along a slight curve having a diameter of 4 degrees 00 minutes, a tangent of 411.55 feet to a radius of 1,432.69 feet a distance of 363.82 feet to an iron pin located in the southern line of Cornwallis Road; thence continuing along the southern line of Cornwallis Road South 65 degrees 52 minutes East 63.47 feet to a concrete monument; thence along the right of way of Cornwallis Road and Davis Drive South 26 degrees 42 minutes East 72.60 feet to a concrete monument; thence along the western line of the right of way of Davis Drive along a slight curve having a diameter of 1 degree 00 minutes a tangent of 351.27 feet and a radius of 5,730.34 feet a distance of 342.05 feet to an iron pin at the point and place of BEGINNING and containing 8 acres according to a deed recorded in the Office of the Register of Deeds of Durham County, North Carolina, in Book 30, pages 378-380.

(2) The transfer made by this section shall be evidenced by a deed executed under G.S. 146-75 and registered in accordance with G.S. 146-77. The deed shall provide that the property transferred by this section shall automatically revert to the State of North Carolina if the property is used for any purposes other than the purposes set forth in subdivision (3).

(3) The transfer made by this section is made on the condition that the North Carolina Technological Development Authority, Inc., shall use the property described in subdivision (1) solely as a business incubator serving technology research-based entrepreneurial companies in the Research Triangle Park. If the North Carolina Technological Development Authority, Inc., ceases to use the property for the purposes described in this section, then the property shall automatically revert to the State of North Carolina. Use of the property described in subdivision (1) of this subsection pursuant to any prior instrument of occupancy in which the State of North Carolina is grantor of the property right and that is in force immediately prior to September 1, 1991, shall be deemed use of the property for purposes described in this section to the extent of use during the original term of the prior instrument of occupancy or any renewal or extension thereof."

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Ethridge, H. Hunter

HAZARDOUS WASTE MANAGEMENT COMMISSION RESERVE

Sec. 159. (a) On July 1, 1992, the sum of one hundred eighty-three thousand seven hundred nineteen dollars ($183,719) appropriated to the Department of Economic and Community Development for the North Carolina Hazardous Waste Management Commission for the 1992-93 fiscal year shall be transferred to a reserve in the Office of State Budget and Management. In the event the Director of the Budget determines that there is a need to site an authorized hazardous waste facility pursuant to Chapter 130B of the General Statutes, the Office of State Budget and Management shall transfer up to the sum of one hundred eighty-three thousand seven hundred nineteen dollars ($183,719) in this reserve to the Department of Economic and Community Development for the North Carolina Hazardous Waste Management Commission for the 1992-93 fiscal year to perform only those duties under G.S. 130B-7 that directly relate to site selection of an authorized hazardous waste facility pursuant to G.S. 130B-11.

(b) Of the funds appropriated to the Department of Economic and Community Development for the 1992-93 fiscal year for the Hazardous Waste Management Commission, not more than fifty-three thousand dollars ($53,000) may be used for completing current projects, phasing out the Commission's activities, and satisfying contractual obligations, including salaries and other encumbrances. Funds for these purposes may be expended through December 31, 1992.

PART 24. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

DEMONSTRATION PROJECT FOR VOLUNTARY REMEDIAL ACTIONS

Sec. 160. (a) During the 1992-93 fiscal year, the Secretary of the Department of Environment, Health, and Natural Resources may contribute from the Inactive Hazardous Sites Cleanup Fund up to ten percent (10%) of the cost, not to exceed fifty thousand dollars ($50,000) per site, of implementing a voluntary remedial action program at up to three high priority sites that substantially endanger public health or the environment.

(b) No later than April 1, 1993, the Department of Environment, Health, and Natural Resources shall report to the General Assembly. This report shall contain the location of the sites for which a voluntary remedial action program was implemented, the rationale for the State contributing to the cost of the remedial action, the cost of the remedial action, and the amount of the contribution made from the Inactive Hazardous Sites Cleanup Fund.

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

INCREASE USE OF SEDIMENTATION FEES

Sec. 161. Section 226(b) of Chapter 689 of the 1991 Session Laws reads as rewritten:

"(b) If the revenues received pursuant to G.S. 113A-54.2 exceed the amount in anticipated revenues from this source for the 1991-92 fiscal year or the 1992-93 fiscal year, then the Department of Environment, Health, and Natural Resources may use up to ~~$140,000~~ one hundred forty thousand dollars ($140,000) of this revenue for the 1991-92 fiscal year and up to ~~$160,000~~ two hundred twenty thousand dollars ($220,000) of this revenue for the 1992-93 fiscal year for education, erosion control plan approval, and compliance activities in the Sedimentation Control Program, including salaries and necessary support, in the Division of Land Resources. These funds are in addition to any other funds appropriated for this purpose."

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

CLEAN AIR ACT PERMIT FEES

Sec. 162. Section 228 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 228. There is appropriated from the Title V nonreverting account established in G.S. 143-215.3A to the Department of Environment, Health, and Natural Resources the sum of ~~$999,855~~ nine hundred ninety-nine thousand eight hundred fifty-five dollars ($999,855) for the 1991-92 fiscal year and the sum of ~~$3,992,390~~ four million six hundred ninety-two thousand three hundred ninety dollars ($4,692,390) for the 1992-93 fiscal year to be used for the development and implementation of the Title V program in accordance with G.S. 143-215.3A; provided, however, if the revenues raised from Chapter 552 of the 1991 Session Laws are less than ~~$999,855~~ nine hundred ninety-nine thousand eight hundred fifty-five dollars ($999,855) for the 1991-92 fiscal year or are less than ~~$3,992,390~~ four million six hundred ninety-two thousand three hundred ninety dollars ($4,692,390) for the 1992-93 fiscal year, then the appropriation is reduced accordingly."

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

USE OF FOOD AND LODGING FEES

Sec. 163. If the revenues received pursuant to G.S. 130A-248(d) exceed the amount in anticipated revenues from this source for the 1992-93 fiscal year, then the Department of Environment, Health, and Natural Resources may use up to eleven thousand six hundred dollars ($11,600) of this revenue for the 1992-93 fiscal year for the restaurant and lodging fee collection program in accordance with G.S. 130A-248(d). These funds are in addition to any other funds appropriated for this purpose.

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

AUTHORIZE USE OF WATER QUALITY FEES

Sec. 164. Section 158 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 158. There is appropriated from the nonreverting account established in G.S. 143-215.3A to the Department of Environment, Health, and Natural Resources a sum not to exceed ~~$2,124,142~~ two million one hundred twenty-four thousand one hundred forty-two dollars ($2,124,142) for the 1991-92 fiscal year and a sum not to exceed ~~$2,148,017~~ two million six hundred thousand dollars ($2,600,000) for the 1992-93 fiscal year for the salaries and the necessary support for up to 49 positions for the 1991-92 fiscal year and for up to 59 positions for the 1992-93 fiscal year in the water quality program. Water quality fees shall be the only source of funds for these positions and all necessary support. These positions shall be used to reduce the backlog of permit applications and to improve the rate of compliance of facilities with environmental standards for toxic substances."

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Ethridge, H. Hunter

OFFICE OF MINORITY HEALTH

Sec. 165. (a) The Office of Minority Health of the Department of Environment, Health, and Natural Resources for which funds have been appropriated in this act, shall have, but is not limited to, the following duties and responsibilities:

(1) Develop public health policies that promote improvement in minority health status and minority access to public health services;
(2) Develop monitoring, tracking, and reporting mechanisms for programs and services with minority health goals and objectives;

(3) Provide periodic progress reports on the office and the advisory council activities to the Governor, the General Assembly, and the Secretary of the Department of Environment, Health, and Natural Resources;
(4) Contact local health departments, community-based organizations, voluntary health organizations, and other public and private organizations statewide, on an ongoing basis, to learn more about their services to the minority communities, the health problems, and their ideas for improving minority health;
(5) Promote local health department minority health services and community outreach by holding public meetings and community forums, and participating in community-sponsored activities;
(6) Offer technical assistance and consultation to local health departments and community-based organizations in such areas as grant writing and conference planning;
(7) Assist local health departments and community-based organizations in identifying potential funding sources and other community resources;
(8) Promote communication across all State agencies that provide services to minority populations;
(9) Improve methods for collecting and reporting data on minority health; and
(10) Serve as a liaison to other states, the federal government, and national organizations.

(b) Funds appropriated in this act to the Department of Environment, Health, and Natural Resource for the Office of Minority Health and for the Minority Health Advisory Council shall be used for the following:
(1) Three positions in the Office of Minority Health, which shall include a Director of the Office of Minority Health; and
(2) Related support for the positions authorized in subdivision (1); and
(3) Expenses and related support for the Minority Health Advisory Council.

(c) The Department of Environment, Health, and Natural Resources shall report quarterly, beginning October 1, 1992, to the Joint Legislative Commission on Governmental Operations regarding the establishment and activities of the Office of Minority Health and of the Minority Health Advisory Council, including the status of the health of minorities in North Carolina.

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Ethridge, H. Hunter

MINORITY HEALTH ADVISORY COUNCIL

Sec. 166. Chapter 130A of the General Statutes is amended by adding the following new sections to read:

"§ 130A-33.43. Minority Health Advisory Council.

There is established the Minority Health Advisory Council in the Department of Environment, Health, and Natural Resources. The Council shall have the following duties and responsibilities:

(1) To make recommendations to the Governor and the Secretary of Environment, Health, and Natural Resources aimed at improving the health status of North Carolina's minority populations;
(2) To identify and examine the limitations and problems associated with existing laws, regulations, programs and services related to the health status of North Carolina's minority populations;
(3) To examine the financing and access to health services for North Carolina's minority populations;
(4) To identify and review health promotion and disease prevention strategies relating to the leading causes of death and disability among minority populations; and

(5) To advise the Governor and the Secretary of Environment, Health, and Natural Resources upon any matter which the Governor or Secretary may refer to it.

"§ 130A-33.44. Minority Health Advisory Council - members; selection; quorum; compensation.

(a) The Minority Health Advisory Council in the Department of Environment, Health, and Natural Resources shall consist of 15 members to be appointed as follows:

(1) Five members shall be appointed by the Governor. Members appointed by the Governor shall be representatives of the following: health care providers, public health, health related public and private agencies and organizations, community-based organizations, and human resources agencies and organizations.

(2) Five members shall be appointed by the Speaker of the House of Representatives, two of whom shall be members of the House of Representatives, and at least one of whom shall be a public member. The remainder of the Speaker's appointees shall be representative of any of the entities named in subdivision (1) of this section.

(3) Five members shall be appointed by the President Pro Tempore of the Senate, two of whom shall be members of the Senate, and at least one of whom shall be a public member. The remainder of the President Pro Tempore's appointees shall be representative of any of the entities named in subdivision (1) of this section.

(4) Of the members appointed by the Governor, two shall serve initial terms of one year, two shall serve initial terms of two years, and one shall serve an initial term of three years. Thereafter, the Governor's appointees shall serve terms of four years.

(5) Of the nonlegislative members appointed by the Speaker of the House of Representatives, two shall serve initial terms of two years, and one shall serve an initial term of three years. Thereafter, nonlegislative members appointed by the Speaker of the House of Representatives shall serve terms of four years. Of the nonlegislative members appointed by the President Pro Tempore of the Senate, two shall serve initial terms of two years, and one shall serve an initial term of three years. Thereafter, nonlegislative members appointed by the President Pro Tempore of the Senate shall serve terms of four years. Legislative members of the Council shall serve two-year terms.

(b) The Chairperson of the Council shall be elected by the Council from among its membership.

(c) The majority of the Council shall constitute a quorum for the transaction of business.

(d) Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, or travel and subsistence expenses in accordance with the provisions of G.S. 120-3.1, as applicable.

(e) All clerical support and other services required by the Council shall be provided by the Department of Environment, Health, and Natural Resources."

Requested by: Senators Martin of Pitt, Kaplan,
Representatives McAllister, Ethridge, H. Hunter

NON-MEDICAID REIMBURSEMENT

Sec. 167. Section 172 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 172. Providers of medical services under the various State programs other than Medicaid offering medical care to citizens of the State shall be reimbursed at rates no more than those under the North Carolina Medical Assistance Program.

The Department of Environment, Health, and Natural Resources may reimburse hospitals at the full prospective per diem rates without regard to the Medical Assistance Program's annual limits on hospital days. When the Medical Assistance Program's per diem rates for inpatient services and its interim rates for outpatient services are used to reimburse providers in non-Medicaid medical service programs, retroactive adjustments to claims already paid shall not be required.

Notwithstanding the provisions of paragraph one of this section, the Department of Environment, Health, and Natural Resources may negotiate with providers of medical services under the various Environment, Health, and Natural Resources programs, other than Medicaid, for rates as close as possible to Medicaid rates for the following purposes: contracts or agreements for medical services and purchases of medical equipment and other medical supplies. These negotiated rates are allowable only to meet the medical needs of its non-Medicaid eligible patients, residents and clients who require such services which cannot be provided when limited to the Medicaid rate.

Maximum net family annual income eligibility standards for services in these programs with the exception of Migrant Health, School Health, AIDS Drug Reimbursement Program, diagnostic assessment for infants with sickle cell syndrome, Women's Preventive Health, and Home Health shall be as follows:

Family Size	Kidney	All Other
1	$ 6,400	$ 4,200
2	8,000	5,300
3	9,600	6,400
4	11,000	7,500
5	12,000	7,900
6	12,800	8,300
7	13,600	8,800
8	14,400	9,300

The eligibility level each fiscal year for outpatient services for all clients and for inpatient services for children under the age of ~~5,~~ 8, in the Children's Special Health Services Program shall be one hundred percent (100%) of the federal poverty guidelines as revised annually by the United States Department of Health and Human Services, in effect on July 1 of each fiscal year.

The eligibility level each fiscal year for outpatient services covered by the Sickle Cell Program shall be one hundred percent (100%) of the federal poverty guidelines, as revised annually by the United States Department of Health and Human Services, in effect on July 1 of each fiscal year."

Requested by: Senators Martin of Pitt, Kaplan, Walker,
Representatives Diamont, Ethridge, H. Hunter

INFANT MORTALITY PROGRAM FUNDS

Sec. 168. (a) The Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, in conjunction with the Department of Human Resources, Division of Social Services, Division of Medical Assistance, and Office of Rural Health and Resource Development, the Child Fatality Task Force, and other relevant community groups, shall develop parenting education protocols which focus on the care of newborns, early growth and development, the importance of preventive health care services, early self-esteem, injury prevention, and stress reduction; and shall develop criteria for determining families at risk of child abuse and neglect for whom parenting education would be effective.

(b) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, the sum of twenty-five thousand dollars ($25,000) for the 1992-93 fiscal year shall be used to cover the development costs of the parenting education protocols. The development shall include an investigation of currently available protocols, issues regarding their utilization, and methods of evaluation.

(c) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, the sum of fifty thousand dollars ($50,000) for the 1992-93 fiscal year shall be used to establish four comprehensive adolescent health care demonstration projects. Existing and proposed adolescent health care clinics shall be eligible applicants for the comprehensive adolescent health care demonstration projects with first priority given to existing adolescent health care clinics. To receive funding, each project must arrange for or provide preventive and primary medical care, and mental health services, and shall be developed with the participation of the public schools, the health department, the area mental health programs, the community migrant and rural health centers, and private physicians.

(d) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, the sum of twenty-five thousand dollars ($25,000) for the 1992-93 fiscal year shall be used to contract with The University of North Carolina Center on Early Adolescence to provide technical assistance to and evaluate existing adolescent health care clinics and to assist other counties in developing adolescent health care services.

(e) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources, Division of Epidemiology, the sum of nine hundred fifty thousand dollars ($950,000) for the 1992-93 fiscal year shall be used to provide required childhood vaccinations to children cared for at community, migrant, and rural health centers and to provide required vaccines for medically indigent, non-Medicaid eligible children seen in private physicians' offices, as defined in rules adopted by the Commission for Health Services.

(f) Funds appropriated in this act to the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, to inform the public on the dangers to the mother and developing fetus of alcohol, cocaine, and other substances, shall be used by the Department to support the activities of the FIRST STEP CAMPAIGN to inform the public about substance abuse and other high-risk behaviors that contribute to infant mortality and morbidity.

(g) State funds appropriated for the Special Supplemental Food Program for Women, Infants, and Children may be used to contribute the required State match if federal funds become available for the WIC farmers' market project.

(h) The North Carolina Adolescent Pregnancy Prevention Coalition shall report annually, not later than April 1 of each year, to the Joint Legislative Commission on Governmental Operations. This report shall include information on activities during the past fiscal year and itemized expenditures during the past fiscal year with sources of funding.

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Diamont, Ethridge, H. Hunter

CHILD FATALITY TASK FORCE CHANGES

Sec. 169. (a) G.S. 143-577(b) reads as rewritten:

"(b) The Task Force shall provide ~~a final report~~ updated reports to the Governor and General Assembly within the first week of the convening of the 1993 General ~~Assembly.~~ Assembly and within the first week of the convening of the 1994 Session of the 1993 General Assembly. The Task Force shall provide a final report to the Governor and General Assembly within the first week of the convening of the 1995 General Assembly. The final report shall include final conclusions and recommendations for each of the Task Force's duties, as well as any other recommendations for changes to any law, rule, and policy that it has determined will promote the safety and well-being of children. Any recommendations of changes to law, rule, or policy shall be accompanied by specific legislative or policy proposals and detailed fiscal notes setting forth the costs to the State."

(b) G.S. 143-573(b) reads as rewritten:

"(b) The Task Force shall be composed of ~~25~~ 29 members, 12 of whom shall be ex officio members, three of whom shall be appointed by the Governor, ~~and eight~~ seven of whom shall be appointed by the ~~General Assembly,~~ Speaker of the House of Representatives, and seven of whom shall be appointed by the President Pro Tempore of the Senate. ~~upon recommendation of the Speaker of the House of Representatives and four upon recommendation of the President Pro Tempore of the Senate.~~ The ex officio members other than the Chief Medical Examiner may designate representatives from their particular departments, divisions, or offices to represent them on the Task Force. The members shall be as follows:

(1) The Chief Medical Examiner;
(2) The Attorney General;
(3) The Director of the Division of Social Services;
(4) The Director of the State Bureau of Investigation;
(5) The Director of the Division of Maternal and Child Health of the Department of Environment, Health, and Natural Resources;
(6) The Director of the Governor's Youth Advocacy and Involvement Office;
(7) The Superintendent of Public Instruction;
(8) The ~~President~~ Chairman of the State Board of Education;
(9) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services;
(10) The Secretary of the Department of Human Resources;
(11) The Secretary of the Department of Environment, Health, and Natural Resources;
(11.1) The Director of the Administrative Office of the Courts;
(12) A director of a county department of social services appointed by the Governor upon recommendation of the President of the North Carolina Association of County Directors of Social Services;
(13) A representative from a Sudden Infant Death Syndrome counseling and education program appointed by the Governor upon recommendation of the Director of the Division of Maternal and Child Health of the Department of Environment, Health, and Natural Resources;
(14) A representative from the North Carolina Child Advocacy Institute appointed by the Governor upon recommendation of the President of the Institute;
(15) A representative from a private group, other than the North Carolina Child Advocacy Institute, that advocates for children, appointed by ~~the General Assembly upon recommendation of~~ the Speaker of the House of Representatives upon recommendation of private child advocacy organizations;
(16) A pediatrician, licensed to practice medicine in North Carolina, appointed by the ~~General Assembly upon recommendation of the~~ Speaker of the House of Representatives upon recommendation of the North Carolina Pediatric Society;
(17) A representative from the North Carolina League of Municipalities appointed by the ~~General Assembly upon recommendation of the~~ Speaker of the House of Representatives upon recommendation of the League;
(18) Two public members appointed by the ~~General Assembly upon recommendation of the~~ Speaker of the House of Representatives;
(19) A county or municipal law enforcement officer appointed by the ~~General Assembly upon recommendation of the~~ President Pro Tempore of the Senate upon recommendation of organizations that represent local law enforcement officers;
(20) A district attorney appointed by the ~~General Assembly upon the recommendation of the~~ President Pro Tempore of the Senate upon

recommendation of the President of the North Carolina Conference of District Attorneys;

(21) A representative from the North Carolina Association of County Commissioners appointed by the ~~General Assembly upon recommendation of the~~ President Pro Tempore of the Senate upon recommendation of the Association; and

(22) Two public members appointed by the ~~General Assembly upon recommendation of the~~ President Pro Tempore of the Senate; *and*

(23) Two members of the Senate appointed by the President Pro Tempore of the Senate and two members of the House of Representatives appointed by the Speaker of the House of Representatives."

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Ethridge, H. Hunter

ON-SITE SEWAGE POSITIONS

Sec. 170. Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of one hundred seventy-six thousand one hundred fifty dollars ($176,150) shall be used to establish three positions in the On-Site Sewage Program to serve counties in Eastern North Carolina. These positions shall be used to provide technical assistance to local health departments and landowners for use of conventional or alternative septic systems and to owners of failing septic systems. The positions may also provide engineering review of large or innovative on-site subsurface sewage systems and may provide engineering support to local health departments.

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

PARKS RECEIPTS

Sec. 171. The Department of Environment, Health, and Natural Resources shall use any overrealized receipts from the Division of Parks and Recreation's sale of pine straw, timber, or any other forest products for the maintenance of the State parks and State reservoirs.

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

WILDLIFE RESOURCES COMMISSION LONG-RANGE BUDGET PLAN

Sec. 172. (a) The Wildlife Resources Commission shall prepare a long-range budget plan for review and consideration by the General Assembly. The budget plan shall include:

(1) An analysis of revenues and expenditures from the 1986-87 fiscal year through the 1991-92 fiscal year identifying: (i) the major revenue sources and expenditure items within each program or division; (ii) the major increases or decreases in revenues and expenditures over the period and the rationale for these changes; and (iii) those wildlife programs or divisions that have experienced significant growth in expenditures since the 1986-87 fiscal year;

(2) An inventory and analysis of all revenue sources, including the North Carolina Wildlife Endowment Fund, that identifies: (i) funds that may be used only for specific purposes; and (ii) funds that may be used for general program purposes;

(3) Revenue and expenditure projections for the 1992-93 through 1996-97 fiscal years, by program and major budget objects; and

(4) Long-term options for funding the operations of the Wildlife Resources Commission, including: (i) revenue increases, including increased license fees, subscription fees, and registration fees; use of interest from the North Carolina Wildlife Endowment Fund; and increases in the General Fund

from sales tax and any other General Fund monies; and (ii) operating and capital expenditure reductions.

(b) The Wildlife Resources Commission shall prepare a report incorporating its long-range budget plan, including all components of this plan as set forth in subsection (a) of this section, and shall transmit this report to the General Assembly and the Fiscal Research Division by January 12, 1993.

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Ethridge, H. Hunter

DARE BOAT ACCESS FUNDS

Sec. 173. The Wildlife Resources Commission may use up to four hundred thousand dollars ($400,000) in funds available to the Commission for the 1992-93 fiscal year for construction of a boating access area at the Washington Baum Bridge in Dare County.

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Ethridge, H. Hunter

PILOT PROGRAM/COUNTY JAIL INMATES WORK IN STATE PARKS

Sec. 174. Of the funds appropriated to the Department of Environment, Health, and Natural Resources, Division of Parks and Recreation, for the 1992-93 fiscal year in this act, the sum of one hundred thousand dollars ($100,000) shall be allocated for a pilot program for county sheriffs' departments to provide supervision for county inmates to provide primarily repair and maintenance services to the State parks. The Division shall select five State parks to participate in this program. Each county sheriff's department in a county in which one of the five selected State parks is located shall receive up to twenty thousand dollars ($20,000) for the cost of providing supervision of the county jail inmates.

PART 25. DEPARTMENT OF AGRICULTURE

Requested by: Senators Martin of Pitt, Johnson, Kaplan,
Representatives Ethridge, H. Hunter

AGRICULTURAL MUSEUM PROPERTY DISPOSITION

Sec. 175. Chapter 106 of the General Statutes is amended by adding a new section to read:

"§ 106-22.2. Museum of Natural Sciences; Maritime Museum; disposition of objects.

Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4), or any other law pertaining to surplus State property, the Department of Agriculture may sell or exchange any object from the collections of the Museum of Natural Sciences and the Maritime Museum when it would be in the best interests of the Museums to do so. Sales or exchanges shall be conducted in accordance with generally accepted practices for accredited museums. If an object is sold, the net proceeds of the sale shall be deposited in the State treasury to the credit of a special fund to be used for the improvement of the Museums' collections or exhibits."

Requested by: Senators Martin of Pitt, Kaplan,
Representatives Ethridge, H. Hunter

EXTEND TIME PERIOD THAT GRAPE COUNCIL FUNDS DO NOT REVERT

Sec. 176. (a) Section 8 of Chapter 812 of the 1991 Session Laws is repealed.

(b) Section 12(b) of Chapter 1036 of the 1987 Session Laws reads as rewritten:

"(b) This section ~~shall remain in effect until July 1, 1991.~~ shall terminate June 30, 1997."

(c) This section is effective on and after June 30, 1992.

PART 26. MISCELLANEOUS PROVISIONS

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

EXECUTIVE BUDGET ACT APPLIES

Sec. 177. The provisions of the Executive Budget Act, Chapter 143, Article 1 of the General Statutes are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

COMMITTEE REPORT

Sec. 178. (a) The Joint Appropriations Committee Senate/House 1992-93 Budget Conference Report, dated July 8, 1992, which was distributed in the House of Representatives and the Senate and used to explain this act, shall indicate action by the General Assembly on this act and shall therefore be used to construe this act, as provided in G.S. 143-15 of the Executive Budget Act, and for these purposes shall be considered a part of this act.

(b) The line item budget enacted by the General Assembly for the maintenance of the various departments, institutions, and other spending agencies of the State for the 1991-93 fiscal biennium is described in Section 351 of Chapter 689 of the 1991 Session Laws, as amended by Section 6 of Chapter 812 of the 1991 Session Laws, in which the General Assembly amended the budget enacted by the 1991 Regular Session of the General Assembly for the 1992-93 fiscal year by making modifications including the base budget cuts and expansion budget additions that are set out in the Joint Appropriations Committee Senate/House 1992-93 Budget Conference Report, dated July 8, 1992. The line item detail in the budget enacted by the General Assembly for the 1992-93 fiscal year may be derived accordingly.

The budget modifications enacted by the General Assembly in this act shall also be interpreted in accordance with the special provisions in this act and in accordance with other appropriate legislation.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

MOST TEXT APPLIES ONLY TO 1992-93

Sec. 179. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1992-93 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1992-93 fiscal year.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

1991-92 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

Sec. 180. (a) Except where expressly repealed or amended by this act, the provisions of Chapters 689, 761, and 812 of the 1991 Session Laws remain in effect.

(b) Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1992-93 fiscal year in Chapters 689, 761, and 812 of the 1991 Session Laws that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations and budget reductions of this act for those same particular purposes.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

EFFECT OF HEADINGS

Sec. 181. The headings to the parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

SEVERABILITY CLAUSE

Sec. 182. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

EFFECTIVE DATE

Sec. 183. Except as otherwise provided, this act becomes effective July 1, 1992.

Pursuant to Sec. 178, see Addendum for the text of the Joint Appropriations Committee Senate/House 1992-93 Budget Conference Report dated July 8, 1992.

On motion of Senator Basnight, the Conference Report is temporarily displaced.

CALENDAR (Continued)

H.B. 1350, a bill to make technical and administrative changes relating to property taxes on motor vehicles, upon second reading, temporarily displaced earlier.

The bill passes its second reading by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Guilford, Marvin, Parnell, Perdue, Plyler, Pollard, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—39.

Voting in the negative: Senator Plexico—1.

The bill is ordered placed on the Calendar for tomorrow, July 9, for further consideration upon third reading.

H.B. 1325, a bill to make conforming changes to the corporate income tax on unrelated business income of exempt corporations, upon second reading, temporarily displaced earlier.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Guilford, Marvin, Parnell, Perdue, Plexico, Plyler, Pollard, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Tally, Walker, Ward, and Warren—40.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 9, for further consideration upon third reading.

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education, to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, and to clarify the law relating to school administrative units in Iredell County, as amended, upon third reading, temporarily displaced earlier.

Pursuant to Rule 42, on motion of Senator Daniel, the bill, as amended, is re-referred to the **Finance Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills, which are read, and on motion of Senator Barnes, President *Pro Tempore*, are ordered returned to the House of Representatives with a request that the House Committee Substitute bills with amendments not engrossed be engrossed prior to consideration by the Senate:

S.B. 597 (House Committee Substitute No. 2), a bill to clarify subcontractors' liens and direct the General Statutes Commission to conduct a study of statutory liens of mechanics, laborers and materialmen and model payment and performance bonds as set forth in Articles 2 and 3 of Chapter 44A of the General Statutes, for concurrence in the House Committee Substitute bill No. 2, with House Amendment No. 1 not engrossed, which proposes to change the title.

S.B. 863 (House Committee Substitute), a bill to establish a fee schedule for the standards laboratory and to authorize the Department of Correction to charge a fee for drug testing as a condition of probation or parole, for concurrence in the House Committee Substitute bill, with House Amendment No. 1 not engrossed, which proposes to change the title.

S.B. 910 (House Committee Substitute), a bill to make statutory changes to the precinct boundary program to prepare for the United States Census for the Year 2000 and to facilitate the reporting of election data to the Secretary of State's Office, for concurrence in the House Committee Substitute bill, with House Amendment No. 1 not engrossed, which proposes to change the title.

S.B. 969 (House Committee Substitute), a bill to exempt from sales and use taxes food that is acquired at wholesale and then donated to a nonprofit organization, and to remove the insurance liability exception to the qualified immunity of donors and donees of donated food, for concurrence in the House Committee Substitute bill, with House Amendment No. 1 not engrossed, which proposes to change the title.

S.B. 1046 (House Committee Substitute), a bill to permit the Counties of Edgecombe, Halifax and Nash to rename county public and private roads, for concurrence in the House Committee Substitute bill, with House Amendment No. 1 not engrossed, which proposes to change the title.

On motion of Senator Barnes, the Senate recesses at 4:15 P.M. to reconvene at 6:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

CALENDAR (Continued)

H.B. 1340 (Senate Committee Substitute), a bill to modify the Appropriations and Budget Revenue Act of 1991, As Amended, and to make other changes in the budget operation of the State, Conference Report, for adoption, temporarily displaced earlier.

The Chair orders the measure placed before the Senate and subsequently orders, without objection, the Conference Report temporarily displaced.

WITHDRAWAL FROM COMMITTEE

H.B. 319 (Committee Substitute), a bill to clarify rule-making and enforcement authority for day care health issues, referred to the **Human Resources Committee** on May 7, 1991.

Senator Murphy offers a motion the rules be suspended and the Committee Substitute bill be taken from the **Human Resources Committee** and re-referred to the **Rules and Operation of the Senate Committee**, which motion prevails.

The Chair orders the Committee Substitute bill re-referred to the **Rules and Operation of the Senate Committee.**

On motion of Senator Barnes, the Senate recesses at 6:30 P.M. for the purpose of a review of the Conference Report on **H.B. 1340** by the **Pensions and Retirement Committee** to reconvene at 6:40 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

CALENDAR (Continued)

H.B. 1340 (Senate Committee Substitute), a bill to modify the Appropriations and Budget Revenue Act of 1991, As Amended, and to make other changes in the budget operation of the State, Conference Report, for adoption, temporarily displaced earlier.

Senator Block, Chairman of the **Pensions and Retirement Committee**, announces the Committee has reviewed Sec. 54 of the Conference Report and submits a favorable report.

On motion of Senator Basnight, the Senate adopts the Conference Report (28-11).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee**:

H.B. 1545 (Senate Committee Substitute), a bill to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface, with a favorable report.

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education, to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, and to clarify the law relating to school administrative units in Iredell County, as amended, with a favorable report.

S.B. 145 (House Committee Substitute No. 2), a bill to change the requirement that twenty-five percent of plastic bags be recycled to a goal, to extend the date on which twenty-five percent of certain polystyrene foam products must be recycled, to authorize counties to include fees for subsurface discharge wastewater management systems and

services on property tax bills, and to allow regional solid waste management authorities to manage nonhazardous sludges on the same basis as individual units of local government, with a favorable report as to concurrence.

WITHDRAWALS FROM FUTURE CALENDAR

S.B. 1265, a bill to clarify the exclusion of nonpublic schools from the day care law, reported favorably from the **Education Committee** earlier today and placed on the Calendar for tomorrow, July 9.

Senator Daniel offers a motion that the bill be taken from the Calendar for tomorrow, July 9, and be placed before the Senate for immediate consideration, which motion prevails.

The bill passes its second (41-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education, to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, and to clarify the law relating to school administrative units in Iredell County, as amended, reported favorably from the **Finance Committee** earlier today and placed on the Calendar for tomorrow, July 9.

Senator Bryan offers a motion that the bill, as amended, be taken from the Calendar for tomorrow, July 9, and placed before the Senate for immediate consideration.

Senator Allran rises to a point of order as to Amendment No. 1 being germane.

The Chair rules the point of order should be raised upon submission of the Amendment and is out of order at this time.

Senator Bryan withdraws his motion to place the bill, as amended, before the Senate for further consideration and the measure remains on the Calendar for tomorrow, July 9.

CALENDAR (Continued)

H.B. 1514 (Senate Committee Substitute), a bill to clarify the provisions of the State budget for the 1991-93 fiscal biennium by adjusting salaries and benefits of State employees and retirees under various retirement systems and to provide for a binding referendum on the establishment of a North Carolina State lottery, ordered earlier today returned to the House of Representatives with a request for reconsideration of the ruling of the Speaker by special messenger.

The Chair announces the special message is returned to the Senate with the information that the Speaker refused delivery of the Senate Committee Substitute bill from the Senate messenger and subsequently orders the measure held in the Office of the Senate Principal Clerk.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1340
(Senate Committee Substitute)

House of Representatives
July 8, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the Senate Comm. Sub. to HB. No. 1340, A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPROPRIATIONS

AND BUDGET REVENUE ACT OF 1991, AS AMENDED, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

ENROLLED BILL

The Enrolling Clerk reports the following bill properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.B. 1340 (Senate Committee Substitute), an act to modify the Appropriations and Budget Revenue Act of 1991, As Amended, and to make other changes in the budget operation of the State. (Ch. 900)

On motion of Senator Barnes, seconded by Senator Daughtry, the Senate adjourns at 7:00 P.M. to meet tomorrow, July 9, at 1:00 P.M.

ONE HUNDRED TWENTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, July 9, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*, in the absence of the Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we have asked You for much during these weeks in the Senate. The successful negotiations of major bills indicate Your Presence and answer to our prayers. Now, light at the end of the tunnel is apparent.

"All the dreams for legislation brought here by Senators in behalf of the people of this State have not been fulfilled, because dreams are wishful thinking, like interplanetary travel is wishful thinking.

"'Sometimes wishing is the wings the truth comes true on; sometimes the truth is what sets us wishing for it.'

"And so we thank You, Oh God, for helping make some dreams become a reality here and for keeping other dreams alive until they, too, become a reality. Amen."

Senator Royall, Deputy President *Pro Tempore*, announces the Journal of yesterday, July 8, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President *Pro Tempore* grants a leave of absence for today to Senator Murphy and Senator Winner.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders measures sent to the House of Representatives by special messenger.

ENROLLED BILLS AND RESOLUTION

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 51 (Committee Substitute No. 2), an act to modify the Funeral and Burial Trust Fund Act. (Ch. 901)

S.B. 314 (House Committee Substitute), an act to allow the Department of Correction to develop and implement manufacturing or other industries within State prison facilities by private enterprises. (Ch. 902)

S.B. 998, an act to create the Sanford-Lee County Regional Airport Authority. (Ch. 903)

S.B. 1050, an act to amend the definition of "day care" to exclude drop-in care and to require the Department of Human Resources to study how to ensure the health and safety of children in drop-in care. (Ch. 904)

S.B. 1063, an act to amend the motor vehicle laws concerning cotton-hauling vehicles. (Ch. 905)

S.B. 1147 (Committee Substitute), an act to provide a maximum penalty for the Dare room tax and meals tax and to make clarifying changes to the penalties. (Ch. 906)

S.B. 1158, an act to permit the State of North Carolina to grant a utility easement to Carolina Power and Light Company across Umstead Park and to require the Department of Transportation to maintain parking lots in the State parks and recreation areas. (Ch. 907)

S.B. 1161, an act to provide for a fox trapping season in Caswell County. (Ch. 908)

S.B. 1182, an act relating to disposition of property by the City of Roxboro at the Lake Roxboro Project in Caswell County. (Ch. 909)

H.B. 190 (Senate Committee Substitute), an act allowing judgment for equitable distribution to be entered prior to entry of a divorce decree in certain cases. (Ch. 910)

H.B. 1527 (Committee Substitute), an act to annex certain territory into the corporate limits of the Town of Farmville. (Ch. 911)

H.B. 1657, an act to abolish the North Carolina Council on Interstate Cooperation, which has not met since 1979. (Ch. 912)

S.J.R. 1251, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that experienced electrical supervisors employed in the manufacturing industry may draw internal electrical wiring prints and supervise internal electrical wiring work without meeting the licensure requirements for engineers and land surveyors. (Res. 68)

WITHDRAWALS FROM CALENDAR

H.B. 863, a bill to require that at least twenty-five percent of the proceeds from bingo games be used for charitable purposes, as amended.

Senator Ballance offers a motion that the bill, as amended, be taken from the Calendar for today, July 9, and recommitted to the **Judiciary II Committee**, which motion prevails.

The Chair orders the bill, as amended, recommitted to the **Judiciary II Committee**.

H.B. 1390, a bill to establish a workplace requirements program for the safety and health of all State employees, as amended.

Senator Plyler offers a motion that the bill, as amended, be taken from the Calendar for today, July 9, and re-referred to the **Judiciary II Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Judiciary II Committee**.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Sands for the **Judiciary II Committee:**

H.B. 397 (Committee Substitute), a bill to clarify the authority of the courts to equitably divide pension, retirement, and deferred compensation plan benefits, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 10, for further consideration.

On motion of Senator Daniel the Senate recesses at 1:25 P.M. to reconvene at 2:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

CONFERENCE REPORT

H.B. 1322 (Senate Committee Substitute)

Senator Ballance, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1322** (Senate Committee Substitute), a bill to increase the amount of beer a mini-brewery can sell to consumers at the brewery and to make changes to the alcoholic beverage laws, which proposes to change the title, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

The conferees appointed to resolve the differences between the Senate and the House of Representatives on the Senate Committee Substitute for House Bill 1322, AN ACT TO INCREASE THE AMOUNT OF BEER A MINI-BREWERY CAN SELL TO CONSUMERS AT THE BREWERY AND TO MAKE CHANGES TO THE ALCOHOLIC BEVERAGE LAWS, Fourth Edition Engrossed 6/25/92, report that the House concurs in the Senate Committee Substitute for House Bill 1322 (4th Edition).

The conferees recommend that the Senate and House of Representatives adopt this report.

July 8, 1992.

S/Franklin Ballance, Jr.
S/W. D. Goldston
S/Helen Marvin
S/Aaron W. Plyler
S/Tommy Pollard
S/Joe Raynor
S/Russell Walker

Conferees on the part of the Senate

S/John R. Gamble, Jr.
S/Ed Bowen
S/Joanne Bowie
Harold Brubaker
S/Marie Colton
S/Daniel Devane
S/Milton Toby Fitch
Sam Hunt

Conferees on the part of the House of Representatives

On motion of Senator Ballance, the Conference Report is adopted (35-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hunt for the **Election Laws Committee**:

H.B. 870, a bill to require identification of voters, with a favorable report, as amended.

By Senator Sands for the **Judiciary II Committee**:

H.B. 1394 (Committee Substitute), a bill to protect employees from retaliatory discrimination in employment for engaging in protected activities, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 10, for further consideration.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 1442, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County, upon third reading.

On motion of Senator Sands, consideration of the bill is postponed until Tuesday, July 14.

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education, to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, and to clarify the law relating to school administrative units in Iredell County, as amended, upon third reading.

Senator Smith, Vice-Chairman of the **Finance Committee**, requests a fiscal note on the bill, as amended. Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Monday, July 13, for receipt of the fiscal note.

S.B. 1175, a bill to allow Stanly and Iredell Counties to acquire property for use by the County Boards of Education and to authorize Boards of Education in Stanly, Richmond, and Iredell Counties to convey property to the County in connection with improvements and repair of the property, for concurrence in House Amendments No. 1, No. 2, and No. 3, and which proposes to change the title.

On motion of Senator Conder, consideration of the measure is postponed until Monday, July 13.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Basnight for the **Appropriations Committee**:

H.B. 999, a bill to provide for a member of the Teachers' and State Employees' Retirement System to purchase time lost due to interrupted service for maternity and parental leave or involuntary administrative furlough, as amended by the **Pensions and Retirement Committee**, with a favorable report, as amended.

S.B. 26 (Committee Substitute), a bill to modify the Statutes governing fire relief funds, with a favorable report.

S.B. 1166, a bill to establish a Cancer Control Study Commission and to appropriate funds, with a favorable report, as amended.

H.B. 1357, a bill to reconvene a Teacher Training Task Force to study the progress made toward implementing the thirty-nine objectives of the original Task Force and to make recommendations to continue to improve the professional development of teachers, with a favorable report, as amended.

S.B. 1093 (Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, to amend the Constitution of North Carolina, and to make conforming statutory changes, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2, which changes the title to read **S.B. 1093** (Committee Substitute No. 2), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year and to make other changes in the budget operation of the State.

Senator Basnight offers a motion that the rules be suspended to the end the Committee Substitute bill No. 2 be placed before the Senate for immediate consideration, for adoption, which motion prevails.

Without objection, on motion of Senator Basnight, the Committee Substitute bill No. 2 is temporarily displaced.

By Senator Daniel for the **Finance Committee**:

S.B. 971 (Committee Substitute), a bill to transfer railroad supervision and railroad safety supervision from the North Carolina Utilities Commission to the Department of Transportation and to cease regulation of private ferry services which are regulated by the National Park Service, with a favorable report, as amended.

Pursuant to Rule 45.1, the Committee Substitute bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted, further changing the title to read **S.B. 971** (Committee Substitute), a bill to transfer railroad supervision and railroad safety supervision from the North Carolina Utilities Commission to the Department of Transportation and to appropriate funds from the Highway Fund to support the transfer.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee**.

S.B. 57, a bill to permit elderly individuals to defer payment of property tax increases on their residence until the property is transferred, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill which changes the title to read **S.B. 57** (Committee Substitute), a bill to provide property tax deferral as an alternative form of property tax relief for the elderly and disabled, is placed before the Senate for immediate consideration. On motion of Senator Daniel, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, July 10, for further consideration.

H.B. 762, a bill to allow the Cities of High Point and Greensboro to enact room occupancy taxes if the Guilford County occupancy tax is repealed, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 762** (Senate Committee Substitute), a bill to modify the authority of Guilford County and the municipalities in the County to undertake local development activities, is placed before the Senate for immediate consideration. On motion of Senator Daniel, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 10, for further consideration.

S.B. 369 (House Committee Substitute), a bill to provide multiyear registration plates for semitrailers, with a favorable report as to concurrence.

CALENDAR (Continued)

S.B. 1093 (Committee Substitute No. 2), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year and to make other changes in the budget operation of the State, for adoption, temporarily displaced earlier.

On motion of Senator Basnight, the Committee Substitute bill No. 2 is adopted and on his further motion remains before the Senate for further consideration upon passage.

The Chair rules the Committee Substitute bill No. 2 does not require a call of the roll.

Senator Conder offers Amendment No. 1 which is adopted (45-0).

Senator Perdue offers Amendment No. 2 which is adopted (45-0).

Senator Basnight offers Amendment No. 3 which is adopted (46-0).

The Committee Substitute bill No. 2, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

With unanimous consent, Senator Sands is recorded voting "aye" on the third reading of the measure.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee**:

S.B. 886, a bill relating to bonds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 886** (Committee Substitute), a bill to appropriate the balance of the two hundred million dollars in general obligation bonds authorized for the construction of State Prison and Youth Services Facilities and to modify the prison population cap, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted, and on his further motion remains before the Senate for immediate consideration upon its passage.

Without objection, on motion of Senator Daniel, the Committee Substitute bill is temporarily displaced.

By Senator Block for the **Pensions and Retirement Committee:**

S.B. 21, a bill to increase the monthly benefits from the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report, as amended.

Pursuant to Rule 45.1, the bill is placed before the Senate for immediate consideration and Committee Amendment No. 1 is adopted.

The Chair orders the measure, as amended, engrossed and re-referred to the **Appropriations Committee.**

S.B. 288, a bill to modify the benefit restrictions for reemployed retirees in the Local Governmental Employees' Retirement System and in the Teachers' and State Employees' Retirement System and in the Consolidated Judicial Retirement System, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Block, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee.**

CALENDAR (Continued)

H.B. 1325, a bill to make conforming changes to the corporate income tax on unrelated business income of exempt corporations, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Warren—47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1326, a bill to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Warren—47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1350, a bill to make technical and administrative changes relating to property taxes on motor vehicles, upon third reading.

Without objection, on motion of Senator Daniel, the bill is temporarily displaced.

H.B. 1455 (Senate Committee Substitute), a bill to impose a privilege license tax on real estate appraisers, upon third reading.

On motion of Senator Daniel, consideration of the Senate Committee Substitute bill is postponed until tomorrow, July 10.

H.B. 1596 (Senate Committee Substitute), a bill to expand the application of the North Carolina Environmental Policy Act of 1971 to include the use of public land and to clarify the purpose and review process for environmental documents, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Warren—46.

Voting in the negative: None.

The measure is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

INTRODUCTION OF BILL

Senator Soles offers a motion that Rule 40 be suspended to allow the introduction of the following bill, filed earlier today, which motion prevails by a two-thirds majority vote.

By Senator Soles:

S.B. 1270, a bill to provide for filling of a vacancy on the Whiteville City Board of Education.

On motion of Senator Soles the bill is placed before the Senate for immediate consideration upon its passage.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special messenger.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Judiciary I Committee**:

H.B. 1656, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 1656** (Senate Committee Substitute), a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission and to make technical amendments to the law, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, July 14, for further consideration.

CONFERENCE REPORTS

S.B. 556 (House Committee Substitute)

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 556** (Committee Substitute), a bill to allow absentee voting in referenda on incorporation of a municipality, and to shorten the candidate filing period, which House Committee Substitute bill proposed to change the title, upon concurrence, to read, **S.B. 556** (House Committee Substitute), a bill to allow absentee voting in referenda on incorporation of a municipality, submits the following report which proposes acceptance of the change in the title, upon adoption, to read, **S.B. 556** (House Committee Substitute), a bill to allow absentee voting in referenda on incorporation of a municipality.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 556 (Third Edition), A BILL TO BE ENTITLED AN ACT TO ALLOW ABSENTEE VOTING IN THE REFERENDA ON INCORPORATION OF A MUNICIPALITY, House Committee Substitute Favorable 6/18/92,

wish to report as follows: the Senate concurs in the House Committee Substitute.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 9th day of July, 1992.

S/Sands	S/H. M. "Mickey" Michaux
Ted Kaplan	S/Bertha M. Holt
S/Ralph Hunt	S/Donald Dawkins
S/Helen Marvin	S/Robert C. Hunter
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

With unanimous consent, on motion of Senator Sands, the Conference Report is placed on the Calendar for tomorrow, for adoption.

CONFERENCE REPORT

H.B. 192

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 192 which proposed to change the title, upon concurrence, to read **H.B. 192**, a bill recommended by the Juvenile Law Study Commission to allow termination of parental rights after a parent has left a child in foster care for twelve months and the court finds that no progress has been made in correcting the conditions that led to foster care, the parent has neither expressed nor displayed a serious interest in correcting those conditions, and the parent is not prevented by physical or mental disability from correcting those conditions, submits the following report, which changes the title, upon adoption, to read **H.B. 192**, a bill recommended by the Juvenile Law Study Commission to allow termination of parental rights after a parent has left a child in foster care for twelve months without making reasonable progress towards correcting the conditions that led to foster care.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 192, A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE JUVENILE LAW STUDY COMMISSION TO ALLOW TERMINATION OF PARENTAL RIGHTS AFTER A PARENT HAS LEFT A CHILD IN FOSTER CARE FOR TWELVE MONTHS WITHOUT MAKING REASONABLE PROGRESS TOWARDS CORRECTING THE CONDITIONS THAT LED TO FOSTER CARE, First Edition as amended, wish to report as follows:
The House concurs in Senate Amendment # 1.
The Senate recedes from Senate Amendment # 2.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 9th day of July, 1992.

S/A. P. Sands
S/Austin M. Allran
S/W. N. Martin
S/Helen R. Marvin

Conferees on the part of the Senate

S/Walter B. Jones, Jr.
S/Marie W. Colton
S/R. J. Hensley, Jr.
S/Robert C. Hunter

Conferees on the part of the House of Representatives

With unanimous consent, on motion of Senator Sands, the Conference Report is placed on the Calendar for tomorrow, July 10, for adoption.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Raynor for the **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee:**

S.B. 1268, a bill to amend the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association, with a favorable report.

INTRODUCTION OF BILL

Senator Allran offers a motion that Rule 40 be suspended to allow the introduction of the following bill, filed earlier today, which motion prevails by a two-thirds majority vote.

By Senator Allran:

S.B. 1271, a bill to provide that experienced electrical supervisors employed in the manufacturing industry may draw internal electrical wiring prints and supervise internal electrical wiring work without meeting the licensure requirements for engineers and land surveyors.

Referred to **Judiciary II Committee.**

CALENDAR (Continued)

S.B. 1261, a bill to remove the requirement that a person be a resident of the State in order to obtain a hunting and fishing guide license.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1266, a bill to authorize the North Carolina State Board of Dental Examiners to collect a special fee from North Carolina licensed dentists, with the resulting funds to be used to pay expenses of newly authorized State-sanctioned peer review organizations to operate programs for impaired dentists.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 599 (Committee Substitute), a bill to make various changes in the public school tenure law.

On motion of Senator Conder, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2 by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of, as follows:

S.B. 597 (Committee Substitute), a bill to provide attorneys' fees to prevailing parties in actions relating to statutory liens on real property and payment and performance bonds, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 597** (House Committee Substitute No. 2), a bill to clarify subcontractors' liens and direct the General Statutes Commission to conduct a study of statutory liens of mechanics, laborers and materialmen and model payment and performance bonds as set forth in Articles 2 and 3 of Chapter 44A of the General Statutes.

On motion of Senator Odom, the rules are suspended, without objection, and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, for concurrence.

The Senate fails to concur in the House Committee Substitute bill No. 2 (1-46) and the question becomes the appointment of conferees.

Senator Odom offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Odom (Chairman), Soles, and Raynor as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 182 (Committee Substitute), a bill recommended by the Juvenile Study Commission to eliminate appeals to Superior Court under the Parental Control Act and to facilitate *pro se* representation by parents, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 182** (Committee Substitute), a bill recommended by the Juvenile Law Study Commission to eliminate appeals to Superior Court under the Parental Control Act, which is placed on the Calendar for tomorrow, July 10.

S.B. 1082, a bill to require all domiciliary care facilities to report costs and revenues and to use a uniform chart of accounts, for concurrence in House Amendment No. 1.

On motion of Senator Richardson, the rules are suspended, without objection, and the bill is placed before the Senate for immediate consideration, for concurrence.

The Senate concurs in House Amendment No. 1 (43-0) and the measure is ordered enrolled.

H.B. 1568, a bill to establish uniform principles to apply when accounting for fees, to make conforming changes to various fees in accordance with these principles, and to correct cross references to the Current Operations Appropriations Act.

Referred to **Finance Committee** and upon a favorable report, re-referred to **Appropriations Committee**.

H.B. 1621 (Committee Substitute), a bill to eliminate safe driver incentive plan surcharges on accidents by fire, rescue, or law enforcement personnel while acting in the line of duty.

Referred to **Insurance Committee**.

H.B. 1676, a bill to provide for enforcement for parking violations on publicly owned parking lots in Fayetteville.

Referred to **Local Government and Regional Affairs Committee.**

S.B. 863, a bill to appropriate funds for the standards laboratory and to establish a fee schedule for the standards laboratory, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 863** (House Committee Substitute), a bill to establish a fee schedule for the standards laboratory and to authorize the Department of Correction to charge a fee for drug testing as a condition of probation or parole.

Senator Plyler rises to a point of order as to the House Committee Substitute bill being germane to the original subject matter of the measure.

The Chair rules the House Committee Substitute bill not germane, and orders the measure held in the Office of the Principal Clerk. A message is ordered sent to the House of Representatives notifying that Honorable Body of such action.

S.B. 910 (Committee Substitute), a bill to make necessary statutory changes to keep current the Legislative redistricting system, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 910** (House Committee Substitute), a bill to make statutory changes to the precinct boundary program to prepare for the United States Census for the Year 2000 and to facilitate the reporting of election data to the Secretary of State's Office.

On motion of Senator Walker, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration, for concurrence.

The Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled.

S.B. 969, a bill to exempt from sales and use taxes food that is acquired at wholesale and then donated to a nonprofit organization, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 969** (House Committee Substitute), a bill to exempt from sales and use taxes food that is acquired at wholesale and then donated to a nonprofit organization, and to remove the insurance liability exception to the qualified immunity of donors and donees of donated food, which is placed on the Calendar for tomorrow, July 10.

S.B. 1046, a bill to permit the County of Nash to rename county public and private roads, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1046** (House Committee Substitute), a bill to permit the Counties of Edgecombe, Halifax and Nash to rename county public and private roads, which is placed on the Calendar for tomorrow, July 10.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 556
(House Committee Substitute)

House of Representatives
July 9, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Comm. Sub. to SB. No. 556, A BILL TO BE ENTITLED AN ACT TO ALLOW ABSENTEE VOTING IN REFERENDA ON INCORPORATION OF A MUNICIPALITY to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 192

House of Representatives
July 9, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the conferees on HB. No. 192 A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE JUVENILE LAW STUDY COMMISSION TO ALLOW TERMINATION, OF PARENTAL RIGHTS AFTER A PARENT HAS LEFT A CHILD IN FOSTER CARE FOR TWELVE MONTHS WITHOUT MAKING REASONABLE PROGRESS TOWARDS CORRECTING THE CONDITIONS THAT LED TO FOSTER CARE to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1322
(Senate Committee Substitute)

House of Representatives
July 8, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on the Senate Comm. Sub. to HB. No. 1322, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF BEER A MINI-BREWERY CAN SELL TO CONSUMERS AT THE BREWERY AND TO MAKE CHANGES TO THE ALCOHOLIC BEVERAGE LAWS to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 172
(Senate Committee Substitute)

House of Representatives
July 9, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB. No. 172 A BILL TO BE ENTITLED AN ACT TO RESUME ELECTING THE TAX COLLECTOR OF MITCHELL COUNTY and requests conferees. The Speaker has appointed Representatives Buchanan, Chairman; Ramsey, Fitch, Anderson, Bowen and Flaherty on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1395
(Senate Committee Substitute)

House of Representatives
July 9, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB. No. 1395 A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN INTER-AGENCY TASK FORCE TO STUDY THE REORGANIZATION OF STATE AGENCIES INVOLVED WITH OCCUPATIONAL SAFETY AND HEALTH AND FIRE SAFETY RESPONSIBILITIES AND TO FILE A REPORT WITH THE GENERAL ASSEMBLY and requests conferees. The Speaker has appointed Representatives Fitch, Chairman; Cunningham, Sam Hunt, Barnes, Payne and McLaughlin on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Parnell for the Manufacturing and Labor Committee:

H.B. 628 (Committee Substitute), a bill to limit the number of hours that youths enrolled in school are allowed to work, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 10, for further consideration.

REPORT TO GENERAL ASSEMBLY

A Commission, directed to report to the General Assembly submits a report (See Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 62-15(h), as amended during the 1981 Session of the General Assembly, the North Carolina Public Staff of the Utilities Commission submits its Annual Report July 1, 1991, through June 30, 1992.

CALENDAR (Continued)

H.B. 1324 (Committee Substitute), a bill to clarify the statutes governing income tax returns and tax filing extensions and to authorize the Secretary of Revenue to allow paperless tax filing extensions and electronic filing of income tax returns.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled.

H.B. 1366 (Committee Substitute), a bill to expand the school lunch sales tax exemption to include all school foods served by school cafeterias during the school day and foods sold by school cafeterias to day care centers.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 1388 (Senate Committee Substitute), a bill to require certain employers to establish safety and health programs and safety and health committees in the workplace.

Senator Sands offers Amendment No. 1 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second (33-9) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

S.B. 886 (Committee Substitute), a bill to appropriate the balance of the two hundred million dollars in general obligation bonds authorized for the construction of State Prison and Youth Services Facilities and to modify the prison population cap, temporarily displaced earlier.

The Chair rules the Committee Substitute bill does not require a call of the roll.

On motion of Senator Daniel, the Committee Substitute bill is re-referred to the Appropriations Committee.

Without objection, on motion of Senator Basnight, the Senate recesses at 4:45 P.M. for the purpose of committee meetings to reconvene at 5:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

CALENDAR (Continued)

H.B. 1545 (Senate Committee Substitute), a bill to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface.

The Senate Committee Substitute passes its second reading (35-0).

Senator Hyde objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 10, for further consideration, upon third reading.

H.B. 1662, a bill to allow certain advertising signs along the right-of-way of State highways.

Senator Simpson offers Amendment No. 1 which is adopted (38-0).

The bill, as amended, passes its second (38-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

H.B. 31 (Committee Substitute), a bill to permit injured firemen to receive disability payments under the North Carolina Local Governmental Employees' Retirement System after one year's service and to allow for disability benefit if death occurs prior to retirement, upon third reading.

Without objection, on motion of Senator Sands, the Committee Substitute bill is temporarily displaced.

S.B. 145 (House Committee Substitute No. 2), a bill to change the requirement that twenty-five percent of plastic bags be recycled to a goal, to extend the date on which twenty-five percent of certain polystyrene foam products must be recycled, to authorize

counties to include fees for subsurface discharge wastewater management systems and services on property tax bills, and to allow regional solid waste management authorities to manage nonhazardous sludges on the same basis as individual units of local government, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Goldston, Hartsell, Hunt, Hyde, Lee, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Staton, Tally, Walker, Ward, and Warren—38.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for tomorrow, July 10, for further consideration upon third reading.

H.B. 31 (Committee Substitute), a bill to permit injured firemen to receive disability payments under the North Carolina Local Governmental Employees' Retirement System after one year's service and to allow for disability benefit if death occurs prior to retirement, upon third reading, temporarily displaced earlier.

The Committee Substitute bill passes its third reading (36-0) and is ordered enrolled.

H.B. 1350, a bill to make technical and administrative changes relating to property taxes on motor vehicles, upon third reading, temporarily displaced earlier.

On motion of Senator Daniel, further consideration of the bill is postponed until tomorrow, July 10.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Basnight for the Appropriations Committee:

S.B. 928, a bill to authorize the issuance of six hundred million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for general State purposes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 928** (Committee Substitute), a bill to authorize the issuance of three hundred ninety-eight million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for capital improvements for certain of the constituent or affiliated institutions of the University of North Carolina and for capital improvements for community colleges, is placed before the Senate for immediate consideration.

On motion of Senator Basnight, the Committee Substitute bill is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

S.B. 886 (Committee Substitute), a bill to appropriate the balance of the two hundred million dollars in general obligation bonds authorized for the construction of State Prison and Youth Services Facilities and to modify the prison population cap, with a favorable report, as amended.

On motion of Senator Basnight, the Committee Substitute bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment

No. 1 is adopted, changing the title to read **S.B. 886** (Committee Substitute), a bill to appropriate the balance of the funds from the proceeds of the already authorized two hundred million dollars in general obligation bonds authorized for the construction of State Prison and Youth Services Facilities and to modify the prison population cap.

With unanimous consent, the rules are suspended, and the measure remains before the Senate upon its passage. The Committee Substitute bill, as amended, passes its second (39-1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

With unanimous consent on motion of Senator Royall, the remarks of Senator Hyde are spread upon the Journal, as follows:

Senator Hyde:

"Mr. President, over the last several weeks the **Finance Committee** did look at the prisons, had a lot of witnesses before us, a lot of questions were asked, a lot of recommendations were made, and all through it, most of us who were there kept wondering what we should do; how we should handle it; whether or not we should go ahead immediately on the fast track; whether we should listen to the new Secretary of Corrections who wanted to make some changes in plans though he was anxious to get some building done. And as a result of all of that, I believe that the Governor, the Executive Department, and the Legislature were able to work things out satisfactorily.

"We do have, all of us were aware, of the possibility that the court might say you're not going ahead as quick as you ought to. But I believe that we have adopted, and I say this publicly, so at least it will be said, I believe we have adopted a plan that will fit in with what the court has agreed that we should do and that we should not be penalized as a State for handling this in the way that we've done. And I am especially delighted that—and Senator Cochrane you told me once that I just didn't have the heart to say Republican, I have to say back row—but I'm delighted that those whose politics may not be my own, have seen it as I have and have agreed and have shown that. And this is not to criticize anyone with respect to what we've done but I think, if I may say so, Mr. President, that this is one time when I've seen the people of North Carolina, the representatives in this Chamber, do what they really think is right for this State. I agree with them and I commend them all. Thank you, Mr. President."

CALENDAR (Continued)

H.B. 1545 (Senate Committee Substitute), a bill to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface, upon third reading, placed earlier today on the Calendar for tomorrow, July 10.

Senator Hyde withdraws his objection to third reading. With unanimous consent, the Chair reverses his order and the measure is taken from the Calendar of tomorrow, July 10, and placed before the Senate for immediate consideration upon its third reading.

The Senate Committee Substitute bill passes its third reading (39-0) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

Without objection, on motion of Senator Daniel, the Senate recesses at 6:15 P.M. for the purpose of committee meetings to reconvene at 6:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee**:

S.B. 928 (Committee Substitute), a bill to authorize the issuance of three hundred ninety-eight million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for capital improvements for certain of the constituent or affiliated institutions of the University of North Carolina and for capital improvements for community colleges, with a favorable report, as amended.

FISCAL NOTE RECEIVED

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education, to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, and to clarify the law relating to school administrative units in Iredell County.

Senator Daniel rises and announces the receipt of a fiscal note requested earlier today on **H.B. 1557**. Senator Daniel sends forward the fiscal note. The Chair orders it attached to the measure, which remains on the Calendar for Monday, July 13, for further consideration.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolution, which are read the first time and disposed of, as follows:

H.B. 1677, a bill to provide that the Veterans' Affairs Commission shall issue rules for the awarding of the North Carolina Services Medal to veterans who have served in any war.

Referred to **Finance Committee**.

H.B. 561 (Committee Substitute No. 2), a bill to provide for the minimum standards, duties, and responsibilities of company police officers and company police agencies.

Referred to **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee** and upon a favorable report, re-referred to **Finance Committee**.

H.J.R. 1678, a joint resolution honoring the life and memory of James Forrest Penny, Jr., former State Legislator.

On motion of Senator Staton, without objection, the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (42-0) and third readings and is ordered enrolled.

S.B. 811 (Committee Substitute), a bill to modify the *ad valorem* tax exemptions or exclusions relative to personal and real property owned by educational institutions which is incidental to, reasonably related to, and reasonably necessary for educational purposes, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 811** (House Committee Substitute), a bill concerning property owned by a nonprofit educational institution and used for sports or recreation.

On motion of Senator Royall, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration, for concurrence.

The Senate concurs in the House Committee Substitute bill (39-0) and the measure is ordered enrolled.

S.B. 584, a bill to authorize the City of Durham to provide off-street parking at reduced rates or without charge to persons residing in the downtown area of the City, for concurrence in the House Committee Substitute bill No. 2.

On motion of Senator Royall, without objection, the rules are suspended and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, for concurrence.

The Senate concurs in the House Committee Substitute bill No. 2 (40-0) and the measure is ordered enrolled.

S.B. 1009, a bill making technical and administrative changes to the license and excise tax laws, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 10.

S.B. 1016 (Committee Substitute), a bill to convert the security dealer privilege license tax from a tax based on the number of offices from which securities are sold to a tax on each individual who sells securities, thereby treating sellers of securities the same as other professionals, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1016** (House Committee Substitute), a bill to repeal the privilege license tax on security dealers, to increase the registration fee for security salesmen, and to make technical changes, which is placed on the Calendar for tomorrow, July 10.

S.B. 1124, a bill to authorize the County of Franklin to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 10.

S.B. 1195 (Committee Substitute), a bill to exempt from sales and use taxes drugs that are donated to a nonprofit organization, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 10.

S.B. 1248, a bill to provide that a taxpayer who owes less than $500.00 of individual income tax above the amount withheld from wages is not subject to a penalty for underpayment of estimated taxes, thus conforming the State's penalty threshold to the federal penalty threshold, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1248** (House Committee Substitute), a bill to make the State threshold for imposition of a penalty for underpayment of individual income taxes the same as the federal threshold, which is placed on the Calendar for tomorrow, July 10.

S.B. 1012, a bill to reinstate two sales tax provisions that were inadvertently deleted in prior legislation, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1012** (House Committee Substitute), a bill to reinstate two sales tax provisions that were inadvertently deleted in prior legislation and to provide that computer access charges are not tangible personal property, which is placed on the Calendar for tomorrow, July 10.

WITHDRAWAL FROM CALENDAR

H.B. 1557, a bill to allow Iredell County to acquire property for use by the County Boards of Education, to authorize Boards of Education in Iredell County to convey property to the County in connection with improvements and repair of the property, and to clarify the law relating to school administrative units in Iredell County, as amended,

upon third reading, placed earlier today on the Calendar for Monday, July 13, for receipt of a fiscal note.

Pursuant to the announcement the fiscal note is received earlier today, Senator Bryan offers a motion that the bill, as amended, be taken from the Calendar for Monday, July 13, and placed before the Senate for further consideration, upon third reading.

Senator Allran, seconded by Senator Daughtry, offers a motion that the Senate do now adjourn, which motion fails to prevail (19-22) and the question reverts to the motion offered by Senator Bryan that the measure be placed before the Senate for further consideration, upon third reading.

The motion offered by Senator Bryan prevails and the bill, as amended, is placed before the Senate, upon third reading.

Senator Bryan calls the previous question, seconded by Senator Ballance. The call is sustained (34-7).

The bill, as amended, passes its third reading by roll-call vote, ayes 33, noes 8, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Blackmon, Block, Bryan, Conder, Cooper, Daniel, Hartsell, Hunt, Hyde, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Sherron, Soles, Speed, Staton, Tally, Walker, Ward, and Warren—33.

Voting in the negative: Senators Allran, Carpenter, Carter, Cochrane, Daughtry, Raynor, Shaw, and Smith—8.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2, by special messenger.

On motion of Senator Royall, seconded by Senator Speed, the Senate adjourns at 7:15 P.M. to meet tomorrow, July 10, at 9:00 A.M.

ONE HUNDRED TWENTY-NINTH DAY

SENATE CHAMBER,
Friday, July 10, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, we have just celebrated another anniversary of the independence of our Great Nation. Grant that all of us may know and understand what it is that we have just celebrated.

"May we understand that freedom is not the right to do as we please but an opportunity to do what is right.

"We have many things to be thankful for: For our forefathers who fought for our independence; for a beautiful America that includes the natural wealth of North Carolina; for the rich heritage of our ancestors; for the privilege of serving the people of North Carolina in the Senate.

"We ask for Your Guidance in our action these last few days of the Session to insure that our actions meet Thy Will and are in the best interest of our citizens. These blessings we ask in thy name. Amen."

Senator Barnes, President *Pro Tempore*, announces that the Journal of yesterday, July 9, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants leaves of absence to Senator Block who is attending the Democratic National Convention; to Senator Richardson who is attending the Democratic National Convention and requests his leave without pay of per diem; to Senator Hyde, who is "out of town trip necessary"; to Senator Forrester, to "take recertification exam in family practice (Family Practice Boards) in Atlanta, Ga., which is required every 7 years"; and to Senator Ballance, Senator Murphy, Senator Soles, and Senator Winner.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders the measures sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1011 (Committee Substitute), an act making technical and other changes to the fuel tax laws. (Ch. 913)

S.B. 1015, an act to relieve a seller who sells property under a certificate of resale of the burden of proving that the sale was for resale and to provide a penalty for a purchaser who misuses a certificate of resale. (Ch. 914)

S.B. 1076, an act to authorize the City of Albemarle to levy a room occupancy tax. (Ch. 915)

S.B. 1115, an act to make the fee for a commercial driver learner's permit the same as the fee for a regular learner's permit. (Ch. 916)

S.B. 1245, an act to provide that joint agencies created by interlocal agreement to operate public broadcasting television stations are eligible for sales tax refunds provided to governmental entities. (Ch. 917)

S.B. 1270, an act to provide for filling of a vacancy on the Whiteville City Board of Education. (Ch. 918)

H.B. 1006, an act to maintain and strengthen the current administration of State government's Equal Employment Opportunity Program. (Ch. 919)

H.B. 1322 (Senate Committee Substitute), an act to increase the amount of beer a mini-brewery can sell to consumers at the brewery and to make changes to the alcoholic beverage laws. (Ch. 920)

H.B. 1325, an act to make conforming changes to the corporate income tax on unrelated business income of exempt corporations. (Ch. 921)

H.B. 1326, an act to update the reference to the Internal Revenue Code used to determine certain taxable income and tax exemptions. (Ch. 922)

H.B. 1375, an act to amend Chapter 593 of the 1991 Session Laws to provide for the State Bureau of Investigation's immediate notification of alleged sexual abuse in day care. (Ch. 923)

H.B. 1391 (Senate Committee Substitute), an act to create a special emphasis program to target OSHA inspections. (Ch. 924)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Judiciary II Committee**:

H.B. 1386, a bill to permit the Commissioner of Labor to impose penalties against public agencies for OSHA violations, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence to read **H.B. 1386** (Senate Committee Substitute), a bill to permit the Commissioner of Labor to impose penalties against public agencies for OSHA violations and to hold a fine against units of local government in abeyance pending abatement of the violation, is placed before the Senate for immediate consideration.

On motion of Senator Sands the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 14, for further consideration.

H.B. 379, a bill to provide for higher fines for speeders driving more than fifteen miles per hour over the speed limit, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, **H.B. 379** (Senate Committee Substitute), a bill to increase the fine for persons convicted of driving more than fifteen miles per hour over the speed limit, to change the standard of proof in hearings and rehearings for involuntary commitment of persons found not guilty by reason of insanity, and to authorize a judicial official in a noncapital case to conduct certain pretrial proceedings by a two-way audio and video transmission, is placed before the Senate for immediate consideration.

On motion of Senator Sands the Senate Committee Substitute bill is adopted.

With unanimous consent, Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 14, for consideration.

By Senator Lee for the **Local Government and Regional Affairs Committee**:

H.B. 1497, a bill relating to purchasing by the City of Winston-Salem, with a favorable report.

H.B. 1498, a bill relating to investments of the City of Winston-Salem, with a favorable report.

H.B. 1585 (Committee Substitute), a bill to annex a noncontiguous area to the City of Brevard, and to correct an annexation of the Town of Long View, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1676, a bill to provide for enforcement for parking violations on publicly owned parking lots in Fayetteville, with a favorable report.

H.B. 1587, a bill to authorize Transylvania County to regulate roads within unified developments, with a favorable report, as amended.

INTRODUCTION OF RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Royall and Hunt:

S.J.R. 1272, a joint resolution honoring Duke University on winning its second straight NCAA Division I men's basketball championship.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 556 (House Committee Substitute), a bill to allow absentee voting in referenda on incorporation of a municipality, Conference Report, for adoption, submitted yesterday, July 9, and which proposes to change the title.

On motion of Senator Sands, the Senate adopts the Conference Report (36-0) changing the title. The Chair orders the House Committee Substitute bill enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 192, a bill recommended by the Juvenile Law Study Commission to allow termination of parental rights after a parent has left a child in foster care for twelve months and the court finds that no progress has been made in correcting the conditions that led to foster care, the parent has neither expressed nor displayed a serious interest in correcting those conditions, and the parent is not prevented by physical or mental disability from correcting those conditions, Conference Report, for adoption, submitted yesterday, July 9, and which proposes to change the title.

With unanimous consent, the Chair orders the remarks of Senator Odom and Senator Sands spread upon the Journal, as follows:

By Senator Odom:

"Members of the Senate, Senator Sands has kept me abreast with regard to the Conference Report and I'm going to support it. But, I did want to make—let it be known to this Body that there's more good in the bill, letting it get through the way it is than hanging tough and standing by the second amendment that we put on and I'm going to support this. But if somebody comes back down next term, or if I'm down here next year or a few years from now and there's another attempt to further reduce the length of time by which parental rights of the biological parents can be terminated, I think as Senator Winner first indicated, we need to stand tough on that.

"Also, there's been some dissemination of information that that Amendment, No. 2, which has my name on it was my amendment only and I want the record to show that there were several Senators in this Body that had some grave concerns about reducing that time limit and the amendment that was worked out that is not on the bill any longer was the result of several of us expressing our concern. And so it was not just Odom's amendment; it turned out to be this Body's amendment. But we have backed off of that and I now support it because on—on a scale, when you balance the scale, there's more good in it than there is bad. But I just wanted to say that for the record. Thank you."

By Senator Sands:

"Mr. President, I would like to request that the record reflect that Senator Odom did make the motion to concur. I don't know whether he exactly did that or not, but I'd like the record to reflect that."

On motion of Senator Odom, the Senate adopts the Conference Report (37-1) changing the title. The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 762 (Senate Committee Substitute), a bill to modify the authority of Guilford County and the municipalities in the County to undertake local development activities, upon second reading.

Senator Plexico offers Amendment No. 1, held not to be material, which is adopted (38-0), changing the title, upon concurrence, to read **H.B. 762** (Senate Committee Substitute), a bill to modify the authority of Guilford and Haywood Counties and the municipalities in those counties to undertake local development activities.

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Goldston, Hartsell, Hunt, Johnson, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, and Ward—37.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Monday, July 13, for further consideration upon third reading.

S.B. 1046 (House Committee Substitute), a bill to permit the Counties of Edgecombe, Halifax and Nash to rename county public and private roads, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (37-0) and the measure is ordered enrolled.

S.B. 1124, a bill to authorize the County of Franklin to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (36-0).

The Chair directs the Principal Clerk, pursuant to Rule 55, to reflect the changes in the title effected by concurrence in House Amendment No. 1, which is found not to be necessary and no title change is reflected.

The measure is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

H.B. 561 (Committee Substitute No. 2), a bill to provide for the minimum standards, duties, and responsibilities of company police officers and company police agencies, referred to the **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee** on July 9.

Senator Raynor offers a motion that the rules be suspended and the Committee Substitute bill No. 2 be taken from the **Veteran and Military Affairs, Law Enforcement, and Senior Citizens Committee** and re-referred to the **Finance Committee**, which motion prevails.

The Chair orders the Committee Substitute bill No. 2 re-referred to the **Finance Committee**.

CALENDAR (Continued)

H.B. 1350, a bill to make technical and administrative changes relating to property taxes on motor vehicles, upon third reading.

With unanimous consent, on motion of Senator Daniel, the bill is taken up out of its regular order of business and placed on today's Calendar following the consideration of **S.B. 369** (House Committee Substitute), a bill to provide multiyear registration plates for semitrailers.

H.B. 1455 (Senate Committee Substitute), a bill to impose a privilege license tax on real estate appraisers, upon third reading.

With unanimous consent, on motion of Senator Sherron, the Senate Committee Substitute bill is taken up out of its regular order of business, and placed at the end of today's Calendar.

S.B. 57 (Committee Substitute), a bill to provide property tax deferral as an alternative form of property tax relief for the elderly and disabled, upon second reading.

On motion of Senator Daniel, consideration of the Committee Substitute bill is postponed until Monday, July 13.

S.B. 928 (Committee Substitute), a bill to authorize the issuance of three hundred ninety-eight million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for capital improvements for certain of the constituent or affiliated institutions of the University of North Carolina and for capital improvements for community colleges, upon second reading.

On motion of Senator Daniel, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Goldston, Hartsell, Hunt, Johnson, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Ward, Warren—38.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, July 13, for further consideration upon third reading.

S.B. 26 (Committee Substitute), a bill to modify the Statutes governing fire relief funds.

On motion of Senator Daniel, consideration of the Committee Substitute bill is postponed until Monday, July 13.

S.B. 1166, a bill to establish a Cancer Control Study Commission and to appropriate funds.

On motion of Senator Basnight, Committee Amendment No. 1 is adopted, changing the title to read, **S.B. 1166**, a bill to establish a Cancer Control Study Commission.

The bill, as amended, passes its second (36-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1268, a bill to amend the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 397 (Senate Committee Substitute), a bill to clarify the authority of the courts to equitably divide pension, retirement, and deferred compensation plan benefits.

The Senate Committee Substitute bill passes its second (37-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

S.B. 369 (House Committee Substitute), a bill to provide multiyear registration plates for semitrailers, for concurrence in the House Committee Substitute bill, upon second reading.

With unanimous consent, on motion of Senator Daniel, the House Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Goldston, Hartsell, Hunt, Johnson, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Simpson, Smith, Speed, Staton, Tally, Ward, Warren—36.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar Monday, July 13, for further consideration upon third reading.

H.B. 1350, a bill to make technical and administrative changes relating to property taxes on motor vehicles, upon third reading, placed earlier today on the Calendar to follow, **S.B. 369** (House Committee Substitute), a bill to provide multiyear registration plates for semitrailers.

Senator Daniel offers Amendment No. 1 which is adopted (37-0).

The bill , as amended, passes its second reading by roll-call vote, ayes 35, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Carpenter, Cochrane, Conder, Cooper, Daniel, Goldston, Hartsell, Hunt, Johnson, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Ward, and Warren—35.

Voting in the negative: Senator Plexico—1.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1, without objection, by special messenger.

H.B. 1394 (Senate Committee Substitute), a bill to protect employees from retaliatory discrimination in employment for engaging in protected activities.

With unanimous consent, on motion of Senator Sands, the Senate Committee Substitute bill is taken up out of its regular order of business.

On motion of Senator Sands, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 14.

H.B. 628 (Senate Committee Substitute), a bill to limit the number of hours that youths enrolled in school are allowed to work.

On motion of Senator Sands, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 14.

H.B. 870, a bill to require identification of voters.

On motion of Senator Cooper, consideration of the bill is postponed until Tuesday, July 14.

On motion of Senator Barnes, the Senate recesses at 10:00 A.M. for the purpose of committee meetings to reconvene at 10:15 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

With unanimous consent, the President grants a leave of absence for the remainder of today to Senator Perdue.

ENROLLED BILLS AND RESOLUTION

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 584 (House Committee Substitute No. 2), an act to authorize the City of Durham to provide off-street parking at reduced rates or without charge to persons residing in the downtown area of the City. (Ch. 925)

S.B. 811 (House Committee Substitute), an act concerning property owned by a nonprofit educational institution and used for sports or recreation. (Ch. 926)

S.B. 910 (House Committee Substitute), an act to make statutory changes to the precinct boundary program to prepare for the United State Census for the Year 2000 and to facilitate the reporting of election data to the Secretary of State's Office. (Ch. 927)

S.B. 1082, an act to require all domiciliary care facilities to report costs and revenues and to use a uniform chart of accounts. (Ch. 928)

H.B. 31 (Committee Substitute), an act to permit injured firemen to receive disability payments under the North Carolina Local Governmental Employees' Retirement System after one year's service and to allow for disability benefit if death occurs prior to retirement. (Ch. 929)

H.B. 1324 (Committee Substitute), an act to clarify the statutes governing income tax returns and tax filing extensions and to authorize the Secretary of Revenue to allow paperless tax filing extensions and electronic filing of income tax returns. (Ch. 930)

H.B. 1366 (Committee Substitute), an act to expand the school lunch sales tax exemption to include all school foods served by school cafeterias during the school day and foods sold by school cafeterias to day care centers. (Ch. 931)

H.J.R. 1678, a joint resolution honoring the life and memory of James Forrest Penny, Jr., former State Legislator. (Res. 69)

CALENDAR (Continued)

S.B. 969 (House Committee Substitute), a bill to exempt from sales and use taxes food that is acquired at wholesale and then donated to a nonprofit organization, and to remove the insurance liability exception to the qualified immunity of donors and donees of donated food, for concurrence in the House Committee Substitute bill.

With unanimous consent, on motion of Senator Daniel, the House Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in the House Committee Substitute bill (28-0) and the measure is ordered enrolled.

S.B. 1195 (Committee Substitute), a bill to exempt from sales and use taxes drugs that are donated to a nonprofit organization, for concurrence in House Amendment No. 1.

With unanimous consent, on motion of Senator Daniel, the Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in the House Amendment No. 1 (28-0) and the measure is ordered enrolled.

S.B. 145 (House Committee Substitute No. 2), a bill to change the requirement that twenty-five percent of plastic bags be recycled to a goal, to extend the date on which twenty-five percent of certain polystyrene foam products must be recycled, to authorize counties to include fees for subsurface discharge wastewater management systems and services on property tax bills, and to allow regional solid waste management authorities to manage nonhazardous sludges on the same basis as individual units of local government, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

With unanimous consent, on motion of Senator Barnes, the House Committee Substitute bill No. 2 is taken up out of its regular order of business.

The Senate concurs in the House Committee Substitute bill No. 2 on third reading by roll-call vote, ayes 27, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Goldston, Hartsell, Hunt, Martin of Pitt, Martin of Guilford, Marvin, Odom, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Smith, Tally, Ward, and Warren—27.

Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled.

S.B. 182 (Committee Substitute), a bill recommended by the Juvenile Study Commission to eliminate appeals to Superior Court under the Parental Control Act and to facilitate *pro se* representation by parents, for concurrence in House Amendment No. 1, which proposes to change the title.

With unanimous consent, on motion of Senator Allran, the Committee Substitute bill is taken up out of its regular order of business. Senator Allran offers a motion that the Senate do concur in the House Amendment No. 1.

Senator Sands offers a substitute motion to the end the Committee Substitute bill be recommitted to the **Judiciary II Committee**, which motion prevails. The Chair refers the measure to the **Judiciary II Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Hunt for the **Election Laws Committee**:

H.B. 1663, a bill to clarify that special library registration deputies and special high school registration commissioners need not reside in the county where they register voters, with a favorable report, as amended.

CALENDAR (Continued)

H.B. 1455 (Senate Committee Substitute), a bill to impose a privilege license tax on real estate appraisers, upon third reading, placed earlier today to the end of the Calendar.

With unanimous consent, on motion of Senator Sherron, the Senate reconsiders and the Senate Committee Substitute bill is taken from the end of the Calendar for today and placed before the Senate for immediate consideration.

Senator Sherron offers Amendment No. 1 which is adopted (33-0).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Goldston, Hartsell, Hunt, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Tally, Ward, and Warren—33.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1012 (House Committee Substitute), a bill to reinstate two sales tax provisions that were inadvertently deleted in prior legislation and to provide that computer access charges are not tangible personal property, for concurrence in the House Committee Substitute bill, upon second reading.

With unanimous consent, on motion of Senator Staton, the House Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Goldston, Hartsell, Hunt, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Smith, Speed, Staton, Tally, and Warren—32.

Voting in the negative: None.

The House Committee Substitute bill remains on the calendar for Monday, July 13, for further consideration upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the Finance Committee:

H.B. 1585 (Committee Substitute), a bill to annex a noncontiguous area to the City of Brevard, and to correct an annexation of the Town of Long View, with a favorable report.

H.B. 1677, a bill to provide that the Veterans' Affairs Commission shall issue rules for the awarding of the North Carolina Services Medal to veterans who have served in any war, with a favorable report.

S.B. 885, a bill relating to fees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill which changes the title to read, **S.B. 885** (Committee Substitute), a bill to authorize the Department of Correction to charge a fee for drug testing as a condition of probation or parole, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for Monday, July 13, for further consideration.

CONFERENCE REPORT

S.B. 531 (House Committee Substitute)

Senator Plexico, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 531** (House Committee Substitute), a bill to provide that the Eastern Band of Cherokee Indians shall be eligible to: (1) be a member of a regional solid waste management authority, and (2) apply for financing a project with a loan from the North Carolina Solid Waste Management Capital Projects Financing Authority, which proposes to change the title, upon adoption, to read, a bill to provide that the Eastern Band of Cherokee Indians shall be eligible to be a member of a regional solid waste management authority, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 531, AN ACT TO PROVIDE THAT THE EASTERN BAND OF CHEROKEE INDIANS SHALL BE ELIGIBLE TO : (1) BE A MEMBER OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY, AND (2) APPLY FOR FINANCING A PROJECT WITH A LOAN FROM THE NORTH CAROLINA SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AUTHORITY, House Committee Substitute Favorable 7/1/91 (Second Edition), wish to report as follows:

The Senate concurs in the House Committee Substitute Favorable 7/1/91 (Second Edition) with an amendment as follows:

"Delete the entire House Committee Substitute Favorable 7/1/91 (Second Edition) and substitute the attached proposed Conference Committee Substitute PCCS5722."

The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 10th day of July, 1992.

S/J. Clark Plexico
S/Lura Tally
S/Robert C. Carpenter

Conferees on the part of the Senate

S/Liston B. Ramsey
S/Charles M. Beall
S/Adolf L. Dial
S/Raymond M. Thompson, Sr.

Conferees on the part of the House of Representatives

The text of the attached Proposed Conference Committee Substitute bill, PCCS5722, is as follows:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE EASTERN BAND OF CHEROKEE INDIANS SHALL BE ELIGIBLE TO BE A MEMBER OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-421(a) reads as rewritten:

"(a) Unless a different meaning is required by the context, terms relating to the management of solid waste used in this Article have the same meaning as in G.S. 130A-2 and in G.S. 130A-290. As used in this Article, the term 'solid waste' means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous waste or sludge. In addition to the meaning set out in G.S. 130A-290, the term 'unit of local government' means the Eastern Band of the Cherokee Indians in North Carolina."

Sec. 2. G.S. 153A-430 is amended by adding two new subsections to read:

"(c) Except as provided by subsection (d) of this section, a unit of local government that is exempt from compliance with State laws or rules enacted or adopted for the management of solid waste or for the protection of the environment shall, by becoming a member of a regional solid waste management authority created under this Article and as a condition of such membership, agree to comply with and to be bound by all applicable federal and State laws, regulations, and rules enacted or adopted for the management of solid waste and for the protection of the environment with respect to all solid waste management activities of the authority within the territorial jurisdiction of the unit of local government and with respect to all solid waste management activities performed by the unit of local government in connection with membership in the authority.

(d) A unit of local government that is exempt from compliance with State laws or rules enacted or adopted for the management of solid waste shall obtain all permits that may be necessary for the conduct of solid waste management activities within the territorial jurisdiction of the unit of local government as provided by federal law and regulations. Responsibility for the enforcement of laws, regulations, and rules enacted or adopted for the management of solid waste within the territorial jurisdiction of a unit of local government that is exempt from compliance with State laws or rules enacted or adopted for the management of solid waste shall be as provided by federal law and regulations."

Sec. 3. This act is effective upon ratification.

On motion of Senator Plexico, the Conference Report is adopted (31-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1395 (Senate Committee Substitute), a bill to establish an inter-agency task force to study the reorganization of State agencies involved with occupational safety and health and fire safety responsibilities and to file a report with the General Assembly, which proposes to change the title.

Pursuant to the message from the House of Representatives received Thursday, July 9, requesting conferees, Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Sands (Chairman), Plyler, Cooper, Smith, and Ballance, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 885 (Committee Substitute), a bill to authorize the Department of Correction to charge a fee for drug testing as a condition of probation or parole, placed earlier today on the Calendar for Monday, July 13.

With unanimous consent, on motion of Senator Daniel, the Senate reconsiders and the Committee Substitute bill is taken from the Calendar for Monday, July 13, and placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second reading (32-0).

Senator Daniel objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for Monday, July 13, for further consideration, upon third reading.

With bills remaining on the Calendar, on motion of Senator Barnes, seconded by Senator Hartsell, the Senate adjourns at 10:45 A.M. to meet Monday, July 13, at 7:00 P.M.

ONE HUNDRED THIRTIETH DAY

SENATE CHAMBER,
Monday, July 13, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Grant, O God, lest we become impatient or testy in the final days of work at the General Assembly, an understanding that what goes on here is history, and You take history very seriously. After all, 'You, began history, entered it and promised that one day You will bring it to a serious close.'

"And so what goes on here as history is not so much a series of meetings 'to be endured or history as an endlessly repeating cycle to be escaped.' Instead the work accomplished this week represents crucial pages in a historical document leading us forward.

"Guide Your servants. Give them hope and fresh energy as framers and writers of this history. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of Friday, July 10, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With a unanimous consent, the President grants a leave of absence for tonight to Senator Ballance and Senator Block, who are attending the Democratic National Convention; to Senator Hyde, who is out of town; to Senator Winner, who is "physically incapacitated"; and to Senator Daniel, Senator Johnson, Senator Blackmon, and Senator Richardson.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders all measures sent to the House of Representatives by special messenger.

INTRODUCTION OF RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Barnes:
S.R. 1273, a Senate simple resolution urging the business community in North Carolina to recognize the important role community chambers of commerce play in North Carolina.
Without objection, on motion of Senator Barnes, the Senate simple resolution is temporarily displaced.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 531
(House Committee Substitute)

House of Representatives
July 10, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Comm. Sub. SB. No. 531, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE EASTERN BAND OF CHEROKEE INDIANS SHALL BE ELIGIBLE TO: (1) BE A MEMBER OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY, AND (2) APPLY FOR FINANCING A PROJECT WITH A LOAN FROM THE NORTH CAROLINA SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AUTHORITY to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The title changes and the House Committee Substitute bill is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 340, a bill to make various amendments to the North Carolina Alarm Systems Licensing Act, for concurrence in House Amendments No. 1, No. 2, and No. 3, which is placed on the Calendar for tomorrow, July 14.

S.B. 1121, a bill to authorize Cabarrus County to acquire land for road rights-of-way for connectors between subdivisions and connectors between subdivisions and State-maintained roads by dedication and acceptance, purchase, or eminent domain, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 14.

S.B. 1168, a bill an act to remove the City of Concord's local modifications to G.S. 58-84-30 and G.S. 58-84-35, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read, **S.B. 1168**, a bill to remove the City of Concord's local modifications to G.S. 58-84-30 and G.S. 58-84-35, which is placed on the Calendar for tomorrow, July 14.

S.B. 1255 (Committee Substitute), a bill to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued and to allow the refunding of multifamily housing bonds issued by local governments and non-profit organizations, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1255** (House Committee Substitute), a bill to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued.

Referred to **Finance Committee**.

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Friday, July 10, are taken up and disposed of, as follows:

H.B. 999, a bill to provide for a member of the Teachers' and State Employees' Retirement System to purchase time lost due to interrupted service for maternity and parental leave or involuntary administrative furlough, as amended by the **Pensions and Retirement Committee**.

On motion of Senator Basnight, the **Appropriations Committee** Amendment, No. 4, is adopted.

On motion of Senator Royall, further consideration of the bill, as amended, is postponed until tomorrow, July 14.

H.B. 1357, a bill to reconvene a Teacher Training Task Force to study the progress made toward implementing the thirty-nine objectives of the original Task Force and to make recommendations to continue to improve the professional development of teachers.

On motion of Senator Basnight, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (35-1) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

S.B. 1009, a bill making technical and administrative changes to the license and excise tax laws, for concurrence in House Amendment No. 1, upon second reading.

The Senate concurs in House Amendment No. 1 on second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Bryan, Carpenter, Carter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Pollard, Royall,

Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Warren—36.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, July 14, for further consideration upon third reading.

S.B. 1016 (House Committee Substitute), a bill to repeal the privilege license tax on security dealers, to increase the registration fee for security salesmen, and to make technical changes, for concurrence in the House Committee Substitute bill, which changes the title, upon second reading.

Senator Plexico offers a motion to the end the House Committee Substitute bill be recommitted to the **Finance Committee**, which motion prevails. The Chair recommits the measure to the **Finance Committee**.

S.B. 1248 (House Committee Substitute), a bill to make the State threshold for imposition of a penalty for underpayment of individual income taxes the same as the federal threshold, for concurrence in the House Committee Substitute bill, which proposes to change the title.

The Senate concurs in the House Committee Substitute bill (37-0) and the measure is ordered enrolled.

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 762 (Senate Committee Substitute), a bill to modify the authority of Guilford and Haywood Counties and the municipalities in those counties to undertake local development activities, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Bryan, Carpenter, Carter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Ward, and Warren—34.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

INTRODUCTION OF RESOLUTION

Senator Raynor offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution filed earlier today, which motion prevails by a two-thirds majority vote:

By Senators Raynor, Parnell, and Speed:

S.J.R. 1274, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to repeal the immunity from arrest held by members of the General Assembly.

On motion of Senator Raynor, the joint resolution is placed before the Senate for immediate consideration on its passage.

On motion of Senator Bryan, the joint resolution is referred to the **Rules and Operation of the Senate Committee** (21-18).

CALENDAR (Continued)

H.B. 1585 (Committee Substitute), a bill to annex a noncontiguous area to the City of Brevard, and to correct an annexation of the Town of Long View, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Ward, and Warren—38.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 14, for further consideration upon third reading.

H.B. 1497, a bill relating to purchasing by the City of Winston-Salem.

The bill passes its second reading.

Senator Sherron objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 14, for further consideration upon third reading.

H.B. 1498, a bill relating to investments of the City of Winston-Salem.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1587, a bill to authorize Transylvania County to regulate roads within unified developments.

The Chair orders, without objection, the bill temporarily displaced.

H.B. 1676, a bill to provide for enforcement for parking violations on publicly owned parking lots in Fayetteville.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1587, a bill to authorize Transylvania County to regulate roads within unified developments, temporarily displaced earlier.

On motion of Senator Lee, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (36-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

S.B. 1175, a bill to allow Stanly and Iredell Counties to acquire property for use by the County Boards of Education and to authorize Boards of Education in Stanly, Richmond, and Iredell Counties to convey property to the County in connection with improvements and repair of the property, for concurrence in House Amendments No. 1, No. 2, and No. 3, and which proposes to change the title.

The Chair rules the measure requires a call of the roll, and the measure is before the Senate, upon second reading.

The Senate concurs in House Amendments No. 1, No. 2, and No. 3 on second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Warren—40.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, July 14, for further consideration upon third reading.

S.B. 928 (Committee Substitute), a bill to authorize the issuance of three hundred ninety-eight million dollars general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for capital improvements for certain of the constituent or affiliated institutions of the University of North Carolina and for capital improvements for community colleges, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Warren—40.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 57 (Committee Substitute), a bill to provide property tax deferral as an alternative form of property tax relief for the elderly and disabled, upon second reading.

On motion of Senator Goldston, consideration of the Committee Substitute bill is postponed until tomorrow, July 14.

H.B. 1677, a bill to provide that the Veterans' Affairs Commission shall issue rules for the awarding of the North Carolina Services Medal to veterans who have served in any war, upon second reading.

On motion of Senator Raynor, consideration of the bill is postponed until tomorrow, July 14.

S.B. 26 (Committee Substitute), a bill to modify the Statutes governing fire relief funds.

The Committee Substitute bill passes its second (39-0) and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 1663, a bill to clarify that special library registration deputies and special high school registration commissioners need not reside in the county where they register voters.

On motion of Senator Hunt, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (40-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

S.B. 885 (Committee Substitute), a bill to authorize the Department of Correction to charge a fee for drug testing as a condition of probation or parole, upon third reading.

On motion of Senator Odom, consideration of the Committee Substitute bill is postponed until tomorrow, July 14.

S.B. 369 (House Committee Substitute), a bill to provide multiyear registration plates for semitrailers, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on third reading by roll-call vote, ayes 37, noes, 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Carpenter, Carter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Kaplan, Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Plexico, Plyler, Pollard, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Warren—37.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1012 (House Committee Substitute), a bill to reinstate two sales tax provisions that were inadvertently deleted in prior legislation and to provide that computer access charges are not tangible personal property, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on third reading by roll-call vote, ayes 39, noes, 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Carpenter, Carter, Cochrane, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Kaplan,

Kincaid, Lee, Martin of Pitt, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Warren—39.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

INTRODUCTION OF RESOLUTION

S.R. 1273, a Senate simple resolution urging the business community in North Carolina to recognize the important role community chambers of commerce play in North Carolina, introduced and temporarily displaced earlier today.

Without objection, on motion of Senator Barnes, the Senate simple resolution is placed on the Calendar for tomorrow, July 14, for adoption.

RE-REFERRAL

S.B. 1269, a bill to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan, referred to the **State Personnel and State Government Committee** on July 8.

Senator Sherron offers a motion the rules be suspended and the bill be taken from the **State Personnel and State Government Committee** and re-referred to the **Appropriations Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Appropriations Committee**.

The President recognizes the following pages serving in the Senate this week:

Kristen Ashley, Whiteville; Carrie Barbee, Raleigh; John H. Barnes, Rocky Mount; Matthew Batten, Elizabethtown; Laura Elizabeth Bell, Rocky Mount; Tracy Michelle Bennett, Garner; S. Gaile Boggs, Haw River; Wayne Winborne Boyles, Raleigh; Sheri Lea Clawson, Boone; Heather Eve Coleman, Raleigh; Jennifer Dyan Critcher, Raleigh; Heidi Charlene Fulp, Winston-Salem; Taylor Harris, Winston-Salem; Guthrie Iddings, Raleigh; Jonathan Stephen Jones, Greensboro; Zachary D. Kamykowski, Cary; David Lloyd Kimbru, Rocky Mount; Julia Lewis, Winterville; Mary Margaret McNeil, Winston-Salem; Jeffrey Thompson Palmore, Raleigh; Lora Marie Rose, Raleigh; Adam Lee Stephenson, Knightdale; Courtney Lynn Stephenson, Raleigh; John P. Tanner, Raleigh; John Tate III, Highlands; Ann Mebane Teague, Raleigh; Mark Thigpen, Washington; and Garrett Perdue, New Bern.

On motion of Senator Barnes, seconded by Senator Cochrane, the Senate adjourns at 7:55 P.M. to meet tomorrow, July 14, at 1:30 P.M.

ONE HUNDRED THIRTY-FIRST DAY

SENATE CHAMBER,
Tuesday, July 14, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, when the Holy Scriptures tell us, 'Render to Caesar the things that are Caesar's and to God the things that are God's,' they chronicle the difficult task undertaken by Your servants here.

"For no matter how sound and good the laws written are, we have a difficult time figuring out what to render and to whom.

"Some people believe they owe 'God everything and government nothing. Others believe they owe government everything and God nothing. The truth is that we owe God and government — but not the same things.'

"We are grateful for Your Guidance, so that we may know the difference. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, July 13, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Block, Senator Richardson, Senator Winner, Senator Johnson, and Senator Hyde.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders all measures sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 145 (House Committee Substitute No. 2), an act to change the requirement that twenty-five percent of plastic bags be recycled to a goal, to extend the date on which twenty-five percent of certain polystyrene foam products must be recycled, to authorize counties to include fees for subsurface discharge wastewater management systems and services on property tax bills, and to allow regional solid waste management authorities to manage nonhazardous sludges on the same basis as individual units of local government. (Ch. 932)

S.B. 556 (House Committee Substitute), an act to allow absentee voting in referenda on incorporation of a municipality. (Ch. 933)

S.B. 967, an act to revise and consolidate the Charter of the Town of Selma. (Ch. 934)

S.B. 969 (House Committee Substitute), an act to exempt from sales and use taxes food that is acquired at wholesale and then donated to a nonprofit organization, and to remove the insurance liability exception to the qualified immunity of donors and donees of donated food. (Ch. 935)

S.B. 1046 (House Committee Substitute), an act to permit the Counties of Edgecombe, Halifax and Nash to rename county public and private roads. (Ch. 936)

S.B. 1122, an act to permit the County of Cabarrus to condemn certain property of private condemnors. (Ch. 937)

S.B. 1124, an act to authorize the County of Franklin to take into consideration prospective revenues generated by the development in arriving at the amount of consideration for an economic development conveyance. (Ch. 938)

S.B. 1134, an act to establish the corporate limits of the Town of Benson. (Ch. 939)

S.B. 1195 (Committee Substitute), an act to exempt from sales and use taxes drugs that are donated to a nonprofit organization. (Ch. 940)

H.B. 192, an act recommended by the Juvenile Law Study Commission to allow termination of parental rights after a parent has left a child in foster care for twelve months without making reasonable progress towards correcting the conditions that led to foster care. (Ch. 941)

H.B. 599 (Committee Substitute), an act to make various changes in the public school tenure law. (Ch. 942)

H.B. 725 (Senate Committee Substitute), an act to change the eligibility requirements for grants under the Volunteer Rescue/EMS Fund, to make one-time grants from this Fund to all volunteer rescue/EMS units, to adjust the amount of revenue in this Fund and in the Rescue Squad Workers' Relief Fund, and to increase the percentage of the Relief Fund that can be used for administrative expenses. (Ch. 943)

H.B. 1545 (Senate Committee Substitute), an act to consolidate the regulation of wastewater collection, treatment, and disposal systems designed to discharge below the ground surface. (Ch. 944)

H.B. 1596 (Senate Committee Substitute), an act to expand the application of the North Carolina Environmental Policy Act of 1971 to include the use of public land and to clarify the purpose and review process for environmental documents. (Ch. 945)

H.B. 1662, an act to allow certain advertising signs along the right-of-way of State highways. (Ch. 946)

S.J.R. 1257, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the life and memory of the Honorable Joseph Branch, former Chief Justice of the North Carolina Supreme Court and State legislator. (Res. 70)

S.B. 369 (House Committee Substitute), an act to provide multiyear registration plates for semitrailers. (Ch. 947)

S.B. 531 (House Committee Substitute), an act to provide that the Eastern Band of Cherokee Indians shall be eligible to be a member of a regional solid waste management authority. (Ch. 948)

S.B. 1012 (House Committee Substitute), an act to reinstate two sales tax provisions that were inadvertently deleted in prior legislation and to provide that computer access charges are not tangible personal property. (Ch. 949)

S.B. 1248 (House Committee Substitute), an act to make the State threshold for imposition of a penalty for underpayment of individual income taxes the same as the federal threshold. (Ch. 950)

H.B. 1498, an act relating to investments of the City of Winston-Salem. (Ch. 951)

H.B. 1676, an act to provide for enforcement for parking violations on publicly owned parking lots in Fayetteville. (Ch. 952)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Judiciary II Committee**:

S.B. 182 (Committee Substitute), a bill recommended by the Juvenile Study Commission to eliminate appeals to Superior Court under the Parental Control Act and to facilitate *pro se* representation by parents, with an unfavorable report as to concurrence.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, for concurrence in House Amendment No. 1, which proposes to change the title.

The Senate fails to concur in House Amendment No. 1 (2-39) and the question becomes the appointment of conferees.

Senator Sands offers motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

By Senator Kaplan, Vice-Chairman, for the **Rules and Operation of the Senate Committee:**

S.J.R. 1272, a joint resolution honoring Duke University on winning its second straight NCAA Division I men's basketball championship, with a favorable report.

S.J.R. 1274, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to repeal the immunity from arrest held by members of the General Assembly, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

On motion of Senator Kaplan, the rules are suspended, and the Committee Substitute joint resolution, which changes the title to read **S.J.R. 1274** (Committee Substitute), a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that the immunity held by members of the General Assembly does not apply to infractions, is placed before the Senate for immediate consideration.

On motion of Senator Kaplan, the Committee Substitute joint resolution is adopted, and on his further motion is placed at the end of today's Calendar for further consideration upon its passage.

By Senator Daniel for the **Finance Committee:**

S.B. 1016 (House Committee Substitute), a bill to repeal the privilege license tax on security dealers, to increase the registration fee for security salesmen, and to make technical changes, which changes the title, with a favorable report as to concurrence.

On motion of Senator Daniel, the rules are suspended, and the measure is placed before the Senate for immediate consideration, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill and the measure is ordered enrolled.

CALENDAR

Bills and resolution on the Calendar are taken up and disposed of, as follows:

H.B. 1442, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County, upon third reading.

On motion of Senator Sands, consideration of the bill is postponed until Thursday, July 16.

H.B. 1585 (Committee Substitute), a bill to annex a noncontiguous area to the City of Brevard, and to correct an annexation of the Town of Long View, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, and Ward—38.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1497, a bill relating to purchasing by the City of Winston-Salem, upon third reading.

The bill passes its third reading and is ordered enrolled.

S.B. 1175, a bill to allow Stanly and Iredell Counties to acquire property for use by the County Boards of Education and to authorize Boards of Education in Stanly, Richmond, and Iredell Counties to convey property to the County in connection with improvements and repair of the property, for concurrence in House Amendments No. 1, No. 2, and No. 3, upon third reading, and which proposes to change the title.

On motion of Senator Conder, consideration of the measure is postponed until Thursday, July 16.

S.B. 1121, a bill to authorize Cabarrus County to acquire land for road rights-of-way for connectors between subdivisions and connectors between subdivisions and State-maintained roads by dedication and acceptance, purchase, or eminent domain, for concurrence in House Amendment No. 1, upon second reading.

The Senate concurs in House Amendment No. 1 on its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Blackmon, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Warren—41.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, July 15, for further consideration upon third reading.

S.B. 1168, a bill an act to remove the City of Concord's local modifications to G.S. 58-84-30 and G.S. 58-84-35, for concurrence in House Amendment No. 1, which proposes to change the title.

The Senate concurs in House Amendment No. 1 (38-0), the title changes, and the measure is ordered enrolled.

S.R. 1273, a Senate simple resolution urging the business community in North Carolina to recognize the important role community chambers of commerce play in North Carolina, for adoption.

On motion of Senator Barnes, the Senate simple resolution is adopted (39-0). (The text of this resolution appears in the Appendix.)

S.B. 57 (Committee Substitute), a bill to provide property tax deferral as an alternative form of property tax relief for the elderly and disabled, upon second reading.

On motion of Senator Daniel, consideration of the Committee Substitute bill is postponed until Thursday, July 16.

H.B. 1677, a bill to provide that the Veterans' Affairs Commission shall issue rules for the awarding of the North Carolina Services Medal to veterans who have served in any war, upon second reading.

On motion of Senator Daniel, consideration of the bill is postponed until Thursday, July 16.

H.B. 999, a bill to provide for a member of the Teachers' and State Employees' Retirement System to purchase time lost due to interrupted service for maternity and parental leave or involuntary administrative furlough, as amended by the **Pensions and Retirement Committee** and further amended by the **Appropriations Committee**.

With unanimous consent, on motion of Senator Daniel, the bill, as amended, is taken up out of its regular order of business.

On motion of Senator Daniel, further consideration of the bill, as amended, is postponed until Thursday, July 16.

H.B. 870, a bill to require identification of voters.

With unanimous consent, on motion of Senator Kaplan, the bill is taken up out of its regular order of business.

On motion of Senator Kaplan, further consideration of the bill is postponed until Thursday, July 16.

H.B. 379 (Senate Committee Substitute), a bill to increase the fine for persons convicted of driving more than fifteen miles per hour over the speed limit, to change the standard of proof in hearings and rehearings for involuntary commitment of persons found not guilty by reason of insanity, and to authorize a judicial official in a noncapital case to conduct certain pretrial proceedings by a two-way audio and video transmission.

The Senate Committee Substitute bill passes its second (42-1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 628 (Senate Committee Substitute), a bill to limit the number of hours that youths enrolled in school are allowed to work.

Without objection, on motion of Senator Sands, the Senate Committee Substitute bill is temporarily displaced.

H.B. 1386 (Senate Committee Substitute), a bill to permit the Commissioner of Labor to impose penalties against public agencies for OSHA violations and to hold a fine against units of local government in abeyance pending abatement of the violation.

Senator Ballance offers Amendment No. 1, which proposes to further change the title to read **H.B. 1386** (Senate Committee Substitute), a bill to permit the Commissioner of Labor to impose penalties against public agencies for OSHA violations and to reduce the civil penalties assessed against local governmental units, which amendment he subsequently withdraws.

Senator Ballance offers Amendment No. 2 which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its second (39-4) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 1394 (Senate Committee Substitute), a bill to protect employees from retaliatory discrimination in employment for engaging in protected activities.

Senator Sands offers Amendment No. 1 which he subsequently withdraws.

The Senate Committee Substitute bill passes its second reading (33-8).

Senator Sands objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 15, for further consideration, upon third reading.

H.B. 1656 (Senate Committee Substitute), a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission and to make technical amendments to the law.

Senator Soles offers Amendment No. 1 which is adopted (40-0).

The Senate Committee Substitute bill, as amended, passes its second reading (39-0).

Senator Barnes objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 15, for further consideration, upon third reading.

S.B. 885 (Committee Substitute), a bill to authorize the Department of Correction to charge a fee for drug testing as a condition of probation or parole, upon third reading.

Senator Odom offers Amendment No. 1 which is adopted (41-1).

The Committee Substitute bill, as amended, passes its third reading (41-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1009, a bill making technical and administrative changes to the license and excise tax laws, for concurrence in House Amendment No. 1, upon third reading.

The Senate concurs in House Amendment No. 1 on third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Hartsell, Hunt, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Warren—40.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 340, a bill to make various amendments to the North Carolina Alarm Systems Licensing Act, for concurrence in House Amendments No. 1, No. 2, and No. 3.

The Senate concurs in House Amendments No. 1, No. 2, and No. 3 (40-0) and the measure is ordered enrolled.

CONFERENCE REPORT

H.B. 519 (Senate Committee Substitute)

Senator Soles, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 519** (Senate Committee Substitute), a bill requiring employers to reimburse employment agency fees under certain circumstances, submits the following report:

TO: THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

We, the Conferees, appointed to consider and resolve the difference between the two bodies with respect to HOUSE B. NO. 519 (Senate Committee Substitute),

A BILL TO BE ENTITLED AN ACT REQUIRING EMPLOYERS TO REIMBURSE EMPLOYMENT AGENCY FEES UNDER CERTAIN CIRCUMSTANCES

respectfully report that we have conferred and agreed as follows:

Report that the House concurs in the Senate Committee Substitute for House Bill 519.

And, to this end, we the said Conferees, recommend that the House of Representatives and the Senate adopt this Conference Report.

S/Donald Dawkins	S/R.C. Soles Jr.
S/William Wainwright	S/T. L. Odom
S/R.J. Hensley, Jr.	S/Joe B. Raynor
Conferees on the part of the House of Representatives	*Conferees on the part of the Senate*

On motion of Senator Soles, the Conference Report is adopted (41-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 628 (Senate Committee Substitute), a bill to limit the number of hours and the time of day that youths enrolled in school are allowed to work, temporarily displaced earlier.

On motion of Senator Sands, further consideration of the Senate Committee Substitute bill is postponed until tomorrow, July 15.

S.B. 1016 (House Committee Substitute), a bill to repeal the privilege license tax on security dealers, to increase the registration fee for security salesmen, and to make technical changes, which changes the title, ordered enrolled earlier today.

The Chair rescinds the order to enroll the House Committee Substitute bill and places the measure before the Senate for further consideration upon concurrence.

With unanimous consent, the Senate reconsiders the vote by which the Senate concurred in the House Committee Substitute bill.

The Chair rules the House Committee Substitute bill requires a call of the roll and concurrence is required on separate days. The measure remains before the Senate for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Hartsell, Hunt, Kaplan, Kincaid, Lee, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Warren—40.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, July 15, for further consideration upon third reading.

S.J.R. 1274 (Committee Substitute), a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that the immunity held by members of the General Assembly does not apply to infractions.

The Committee Substitute joint resolution passes its second (42-0) and third readings and is ordered sent to the House of Representatives by special messenger.

On motion of Senator Barnes, seconded by Senator Kincaid, the Senate adjourns at 2:45 P.M. to meet tomorrow, July 15, at 1:30 P.M.

ONE HUNDRED THIRTY-SECOND DAY

SENATE CHAMBER,
Wednesday, July 15, 1992.

The Senate meets pursuant to adjournment and, in the absence of the Lieutenant Governor, is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Father, a great educator once said that integrity is the rivet without which the person and the society in which this person lives falls apart.

"If that is true, we find ourselves, as Your people, in the precarious position of simultaneously trying to hold the world together while keeping ourselves together. Living with integrity would be impossible were it not for You. In our humanity we fall, ask forgiveness, and You are there to forgive and restore us.

"So, remind us, in our attempt to be people of integrity, that 'In You, we live and move and have our being.' That is our only claim to and hope for true integrity. Amen."

Senator Royall, Deputy President *Pro Tempore*, announces the Journal of yesterday, July 14, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President *Pro Tempore* grants a leave of absence for today to Senator Marvin, whose husband is having surgery; to Senator Carter, who has a previous commitment; to Senator Winner, due to unscheduled knee surgery; and to Senator Block, Senator Hyde, and Senator Richardson.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders the measures sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 340, an act to make various amendments to the North Carolina Alarm Systems Licensing Act. (Ch. 953)

S.B. 474, an act to provide that unincorporated areas added to an existing sewerage district are represented by the members representing the county in which the areas lie. (Ch. 954)

S.B. 1009, an act making technical and administrative changes to the license and excise tax laws. (Ch. 955)

S.B. 1019, an act to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County. (Ch. 956)

S.B. 1023, an act to change the maintenance of effort provision for the public schools of Robeson County. (Ch. 957)

S.B. 1168, an act to remove the City of Concord's local modifications to G.S. 58-84-30 and G.S. 58-84-35. (Ch. 958)

S.B. 1235, an act to change the name of the Department of Economic and Community Development, and to make technical and conforming amendments to various laws. (Ch. 959)

H.B. 397 (Senate Committee Substitute), an act to clarify the authority of the courts to equitably divide pension, retirement, and deferred compensation plan benefits. (Ch. 960)

H.B. 1350, an act to make technical and administrative changes relating to property taxes on motor vehicles. (Ch. 961)

H.B. 1388 (Senate Committee Substitute), an act to require certain employers to establish safety and health programs and safety and health committees in the workplace. (Ch. 962)

H.B. 1497, an act relating to purchasing by the City of Winston-Salem. (Ch. 963)

H.B. 1585 (Committee Substitute), an act to annex a noncontiguous area to the City of Brevard, and to correct an annexation of the Town of Long View. (Ch. 964)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Judiciary II Committee**:

H.B. 1390, a bill to establish a workplace requirements program for the safety and health of all State employees, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 16, for further consideration.

By Senator Basnight for the **Appropriations Committee**:

S.B. 1269, a bill to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan, with a favorable report.

On motion of Senator Sherron, the rules are suspended, and the bill is placed at the end of today's Calendar for consideration upon its passage.

H.B. 916 (Committee Substitute), a bill to provide that reimbursements to local governments shall be provided by earmarking rather than by appropriation and to provide that the Fiscal Trends Study Commission shall study local government fiscal issues, with a favorable report, as amended.

S.B. 1020, a bill to establish the Legislative Study Commission on Students Placed at Risk of Failure and to appropriate funds for its implementation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, with two Amendments attached.

On motion of Senator Basnight, the rules are suspended, and the Committee Substitute bill, with two amendments attached, which changes the title to read **S.B. 1020** (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, to direct various State agencies to study specified issues, and to make other amendments to the law, is placed before the Senate for immediate consideration.

On motion of Senator Basnight, the Committee Substitute bill with Amendments attached, is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, July 16, for further consideration.

INTRODUCTION OF RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time and disposed of as follows:

By Senator Ballance:

S.J.R. 1275, a joint resolution honoring the life and memory of the Honorable Joseph Branch, former Chief Justice of the North Carolina Supreme Court and State Legislator.

On motion of Senator Ballance, the joint resolution is placed on the Calendar for Monday, July 20, for consideration.

WITHDRAWAL FROM CALENDAR

H.B. 628 (Senate Committee Substitute), a bill to limit the number of hours that youths enrolled in school are allowed to work, on today's Calendar.

Senator Cooper offers a motion the Senate Committee Substitute bill be taken from the Calendar for today, July 15, and placed on the Calendar for tomorrow, July 16, which motion prevails.

The Chair orders the Senate Committee Substitute bill placed on the Calendar for tomorrow, July 16, for consideration.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

S.B. 707 (House Committee Substitute), a bill to provide procedures for the return of condemned property, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 16.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 597
(House Committee Substitute No. 2)

House of Representatives
July 14, 1992

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to SB. No. 597, A BILL TO BE ENTITLED AN ACT TO CLARIFY SUBCONTRACTORS' LIENS AND DIRECT THE GENERAL STATUTES COMMISSION TO CONDUCT A STUDY OF STATUTORY LIENS OF MECHANICS, LABORERS AND MATERIALMEN AND MODEL PAYMENT AND PERFORMANCE BONDS AS SET FORTH IN ARTICLES 2 AND 3 OF CHAPTER 44A OF THE GENERAL STATUTES the Speaker has appointed as conferees on the part of the House, Representatives Sam Hunt, Fitch, DeVane, Robinson and Kennedy to act with a like committee on the part of the Senate to the end that the difference existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 519
(Senate Committee Substitute)

House of Representatives
July 14, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the conferees on the Senate Comm. Sub. to HB. No. 519 A BILL TO BE ENTITLED AN ACT REQUIRING EMPLOYERS TO REIMBURSE EMPLOYMENT AGENCY FEES UNDER CERTAIN CIRCUMSTANCES to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

EXECUTIVE ORDER

An Executive Order received (See Appendix) is presented to the Senate, read, and referred to committee, as follows:

Executive Order Number 171, Extension of Executive Order Number 45, Establishing the Governor's Language Institutes Advisory Board to Expire in Two Years.
Referred to **State Personnel and State Government Committee.**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 1121, a bill to authorize Cabarrus County to acquire land for road rights-of-way for connectors between subdivisions and connectors between subdivisions and State-maintained roads by dedication and acceptance, purchase, or eminent domain, for concurrence in House Amendment No. 1, upon third reading.

The Senate concurs in House Amendment No. 1 on third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Johnson, Kaplan, Kincaid, Lee, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Warren—40.

Voting in the negative: None.

The bill is ordered enrolled.

S.J.R. 1272, a joint resolution honoring Duke University on winning its second straight NCAA Division I men's basketball championship.

With unanimous consent, on motion of Senator Royall, the joint resolution is read in its entirety.

The joint resolution passes its second (40-0) and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 1394 (Senate Committee Substitute), a bill to protect employees from retaliatory discrimination in employment for engaging in protected activities, upon third reading.

The Senate Committee Substitute bill passes its third reading (30-11) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 1656 (Senate Committee Substitute), a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission and to make technical amendments to the law, as amended, upon third reading.

Without objection, on motion of Senator Soles, the Committee Substitute bill, as amended, is temporarily displaced.

REPORTS OF COMMITTEE

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Goldston, Vice Chairman, for Senator Daniel, Chairman, for the **Finance Committee**:

S.B. 1255 (House Committee Substitute), a bill to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued, which proposes to change the title, with a favorable report as to concurrence.

H.B. 723 (Committee Substitute), a bill to increase the penalties for violating ordinances of the City of Durham, to raise the City's formal bid threshold, and to change the date when interest accrues on and a lien is created for a facilities fee imposed by the City and payable in installments, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Goldston, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 723** (Senate Committee Substitute), a bill to raise the City's formal bid threshold, to change the date when interest accrues on and a lien is created for a facilities fee imposed by the City and payable in installments, to extend the time in which a facilities fee may be paid, and to amend the City's Charter provisions concerning assessments for water mains and sewers, is placed before the Senate for immediate consideration.

On motion of Senator Goldston, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 16, for further consideration.

CALENDAR (Continued)

S.B. 1016 (House Committee Substitute), a bill to repeal the privilege license tax on security dealers, to increase the registration fee for security salesmen, and to make technical changes, for concurrence in the House Committee Substitute bill, which changes the title, upon third reading.

The Senate concurs in the House Committee Substitute bill on third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Cochrane, Conder, Cooper, Daughtry, Forrester, Goldston, Hartsell, Hunt, Johnson, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Ward, and Warren—40.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1269, a bill to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan.

Senator Sherron offers Amendment No. 1 which is adopted (41-0).

Senator Kaplan offers Amendment No. 2.

Senator Johnson rises to a point of order as to Amendment No. 2 being germane to the subject matter of the measure.

The Chair rules Amendment No. 2 germane.

With unanimous consent, Senator Kaplan withdraws Amendment No. 2.

The bill, as amended, passes its second reading (41-0).

Senator Kaplan objects to the third reading of the measure. The Chair orders the measure placed on the Calendar for tomorrow, July 16, for further consideration upon third reading.

H.B. 1656 (Senate Committee Substitute), a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission and to make technical amendments to the law, as amended, upon third reading.

Senator Soles offers Amendment No. 2 which is adopted (40-0).

The Senate Committee Substitute bill, as amended, passes its third reading (39-0) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

CONFERENCE REPORT

S.B. 597 (House Committee Substitute No. 2)

Senator Odom, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 597** (House Committee Substitute No. 2), a bill to clarify subcontractors' liens and direct the General Statutes Commission to conduct a study of statutory liens of mechanics, laborers and materialmen and model payment and performance bonds as set forth in Articles 2 and 3 of Chapter 44A of the General Statutes, submits the following report which proposes to further change the title, upon adoption, to read **S.B. 597** (House Committee Substitute No. 2), a bill to clarify subcontractors' liens and direct the General Statutes Commission to conduct a study of statutory liens of mechanics, laborers and materialmen and model payment and performance bonds as set forth in Articles 2 and 3 of Chapter 44A of the General Statutes and to provide attorneys' fees to prevailing parties in actions relating to statutory liens on real property and payment and performance bonds.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute # 2 for Senate Bill 597, AN ACT TO CLARIFY SUBCONTRACTORS' LIENS AND DIRECT THE GENERAL STATUTES COMMISSION TO CONDUCT A STUDY OF STATUTORY LIENS OF MECHANICS, LABORERS AND MATERIALMEN AND MODEL PAYMENT AND PERFORMANCE BONDS AS SET FORTH IN ARTICLES 2 AND 3 OF CHAPTER 44A OF THE GENERAL STATUTES, Fifth Edition Engrossed 7/8/92, wish to report as follows:

That the Senate concurs in the House Committee Substitute #2 for Senate Bill 597 with the following amendments:

on page 1, line 6, by inserting the following language immediately before the period: "AND TO PROVIDE ATTORNEYS' FEES TO PREVAILING PARTIES IN ACTIONS RELATING TO STATUTORY LIENS ON REAL PROPERTY AND PAYMENT AND PERFORMANCE BONDS"; and

on page 2, line 1, by deleting "Article II" and inserting in lieu thereof "Article 2"; and

on page 4, lines 8 and 9, by rewriting those lines to read:

"Sec. 3. Chapter 44A of the General Statutes is amended by adding a new section to read:

'§ 44A-35. Attorneys' fees.

In any suit brought or defended under the provisions of Article 2 or Article 3 of this Chapter, the presiding judge may allow a reasonable attorneys' fee to the attorney representing the prevailing party. This attorneys' fee is to be taxed as part of the court costs and be payable by the losing party upon a finding that there was an unreasonable refusal by the losing party to fully resolve the matter which constituted the basis of the suit or the basis of the defense. For purposes of this section, "prevailing party" is a party plaintiff or third party plaintiff who obtains a judgment of at least fifty percent (50%) of the monetary amount sought in a claim or is a party defendant or third party defendant against whom a claim is asserted which results in a judgment of less than fifty percent (50%) of the amount sought in the claim defended. Notwithstanding the foregoing, in the event an offer of judgment is served in accordance with G.S. 1A-1, Rule 68, a "prevailing party" is an offeree who obtains judgment in an amount more favorable than the last offer or is an offeror against whom judgment is rendered in an amount less favorable than the last offer.'

Sec. 4. This act is effective upon ratification and applies to actions filed on or after the date of ratification.".

The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 15th day of July, 1992.

S/T. L. Odom - Chairman	S/Sam Hunt
S/Joe Raynor	S/Milton F. Fitch, Jr.
S/R. C. Soles, Jr.	S/Annie B. Kennedy
	S/Daniel H. DeVane
	S/George S. Robinson
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Odom, the Conference Report is adopted (39-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

S.B. 1233, a bill to further amend Chapter 745 of the 1989 Session Laws to increase the authorized project cost of a wholly self-liquidating project involving a lease between the University of North Carolina at Chapel Hill and the United States Environmental Protection Agency, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 16.

On motion of Senator Royall, seconded by Senator Speed, the Senate adjourns at 3:01 P.M. to meet tomorrow, July 16, at 1:30 P.M.

ONE HUNDRED THIRTY-THIRD DAY

SENATE CHAMBER,
Thursday, July 16, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"God of Reconciliation, the lump in our throat becomes so large that it is difficult to swallow. For in the heat of the moment, we have wronged another person or been wronged by others. And staring us right in the face is the issue of forgiveness. Dealing with forgiveness on either side of the issue is most difficult because that lump in our throat is often pride.

"When You taught us to pray, 'Forgive us our trespasses as we forgive those who trespass against us,' You bottom-lined the whole issue. Not to forgive leaves a residue of bitterness and wounded pride. Not to be forgiven leaves the residue of a guilty conscience.

"So help us when there is the need, as inevitably there will be, to seek forgiveness and to be forgivers. 'Then we shall have freedom again to be at peace inside our own skin and glad in each other's presence.' Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, July 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Block, Senator Cochrane, Senator Hyde, Senator Marvin, Senator Odom, Senator Richardson, and Senator Winner.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders the measures sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1016 (House Committee Substitute), an act to repeal the privilege license tax on security dealers, to increase the registration fee for security salesmen, and to make technical changes. (Ch. 965)

S.B. 1121, an act to authorize Cabarrus County to acquire land for road rights-of-way for connectors between subdivisions and connectors between subdivisions and State-maintained roads by dedication and acceptance, purchase, or eminent domain. (Ch. 966)

S.B. 1153, an act to amend Chapter 501 of the 1989 Session Laws regarding a wholly self-liquidating capital project at the University of North Carolina at Asheville. (Ch. 967)

S.B. 1155, an act to amend Chapter 1092 of the 1987 Session Laws, Regular Session 1988, regarding a wholly self-liquidating project at Elizabeth City State University. (Ch. 968)

S.B. 1200, an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects on the Centennial Campus of North Carolina State University at Raleigh. (Ch. 969)

H.B. 519 (Senate Committee Substitute), an act requiring employers to reimburse employment agency fees under certain circumstances. (Ch. 970)

H.B. 1357, an act to reconvene a Teacher Training Task Force to study the progress made toward implementing the thirty-nine objectives of the original Task Force and to make recommendations to continue to improve the professional development of teachers. (Ch. 971)

H.B. 1587, an act to authorize Transylvania County to regulate roads within unified developments. (Ch. 972)

H.B. 1663, an act to clarify that special library registration deputies and special high school registration commissioners need not reside in the county where they register voters. (Ch. 973)

S.J.R. 1274 (Committee Substitute), a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to provide that the immunity held by members of the General Assembly does not apply to infractions. (Res. 71)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Tally for the **Environment and Natural Resources Committee:**

H.B. 528, a bill to amend the frequency of reports prepared for the General Assembly and various commissions and committees of the General Assembly by agencies, boards, commissions, and departments as specified, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read, **H.B. 528** (Senate Committee Substitute), a bill to amend the frequency of reports prepared for the General Assembly, the Environmental Review Commission, and the Joint Legislative Commission on Governmental Operations relating to various environmental programs, is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Senate Committee Substitute bill is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 17, for further consideration.

By Senator Basnight for the **Appropriations Committee:**

S.B. 971 (Committee Substitute), a bill to transfer railroad supervision and railroad safety supervision from the North Carolina Utilities Commission to the Department of Transportation and to appropriate funds from the Highway Fund to support the transfer, as amended by the **Finance Committee**, with a favorable report, as amended.

INTRODUCTION OF BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Daniel:

S.B. 1276, a bill to impose additional civil penalties for the illegal manufacture and sale of alcoholic beverages.

Referred to **Alcoholic Beverage Control Committee** and upon a favorable report, re-referred to the **Finance Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of, as follows:

S.B. 274 (House Committee Substitute), a bill to clarify the sale of surplus right-of-way by the Department of Transportation, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 17.

S.B. 1032 (Committee Substitute), a bill to prohibit discrimination against any employee for engaging in the lawful use of any lawful product or political activity during nonworking hours unrelated to employment, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1032** (House Committee Substitute), a bill to prohibit discrimination against any person for engaging in the lawful use of any lawful product during nonworking hours unrelated to employment.

On motion of Senator Sands, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill (3-35) and the question becomes the appointment of conferees.

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Sands (Chairman), Conder, and Hartsell as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 1090, a bill to allow certain cities of under three hundred population to hold ABC elections, for concurrence in House Amendment No. 1.

On motion of Senator Perdue, the rules are suspended without objection, and the bill is placed before the Senate for immediate consideration.

The Senate concurs in House Amendment No. 1 (37-0) and the measure is ordered enrolled.

S.B. 1159 (Committee Substitute No. 2), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection or disposal of nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources, to establish a uniform maximum duration of such contracts, and to allow all local governments to enter into such contracts, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1159** (House Committee Substitute), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection or disposal of nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources, to establish a uniform maximum duration of such contracts, to allow all local governments to enter into such contracts, to provide for partial credit toward the State nonhazardous municipal solid waste reduction goal for nonhazardous municipal solid waste that is converted into tire-derived fuel or refuse-derived fuel, and to require the Department to adopt rules to initiate public participation prior to granting a permit for a solid waste disposal facility within one mile of an existing site and to require the Department to review long-term contracts entered into prior to the effective date of this act.

On motion of Senator Tally, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill (0-39) and the question becomes the appointment of conferees.

Senator Tally offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

WITHDRAWAL FROM CALENDAR

S.B. 57 (Committee Substitute), a bill to provide property tax deferral as an alternative form of property tax relief for the elderly and disabled, on today's Calendar for consideration upon second reading.

Senator Daniel offers a motion that the Committee Substitute bill be taken from the Calendar for today, July 16, and be placed on the Calendar for Monday, July 20, which motion prevails.

The Chair orders the Committee Substitute bill placed on the Calendar for Monday, July 20, for consideration upon second reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1386
(Senate Committee Substitute)

House of Representatives
July 16, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB. No. 1386, A BILL TO BE

ENTITLED AN ACT TO PERMIT THE COMMISSIONER OF LABOR TO IMPOSE PENALTIES AGAINST PUBLIC AGENCIES FOR OSHA VIOLATIONS AND TO HOLD A FINE AGAINST UNITS OF LOCAL GOVERNMENT IN ABEYANCE PENDING ABATEMENT OF THE VIOLATION and requests conferees. The Speaker has appointed Representatives Fitch, Payne, Sam Hunt, Howard, Barnes, Howard Hunter, McLaughlin, Robinson, Cunningham on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1394
(Senate Committee Substitute)

House of Representatives
July 16, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB. No. 1394, A BILL TO BE ENTITLED AN ACT TO PROTECT EMPLOYEES FROM RETALIATORY DISCRIMINATION IN EMPLOYMENT FOR ENGAGING IN PROTECTED ACTIVITIES and requests conferees. The Speaker has appointed Representatives Fitch, Payne, Sam Hunt, Howard, Barnes, Howard Hunter, McLaughlin, Robinson, Cunningham on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kaplan, Vice-Chairman, for the Rules and Operation of the Senate Committee:

S.B. 61 (House Committee Substitute), a bill to appoint persons to various boards and commissions upon the recommendation of the President of the Senate, with a favorable report as to concurrence.

On motion of Senator Kaplan, the rules are suspended, and the House Committee Substitute bill is placed at the end of today's Calendar for concurrence in the measure.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

H.B. 1442, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County, upon third reading.

On motion of Senator Sands, the bill is recommitted to the **Finance Committee**.

H.B. 1390 (Senate Committee Substitute), a bill to establish a workplace requirements program for the safety and health of all State employees, upon third reading.

With unanimous consent, on motion of Senator Sands, the Senate Committee Substitute bill is taken up out of its regular order of business.

The Senate Committee Substitute bill passes its third reading (37-2) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

WITHDRAWAL FROM COMMITTEE

H.B. 1539, a bill to change the pay date for certain employees of the Hendersonville City Schools, the Henderson County Schools, and the Henderson County Public Schools, referred to the **Education Committee** on June 29.

Senator Conder offers a motion the rules be suspended and the bill be taken from the **Education Committee** and placed before the Senate for immediate consideration, which motion prevails.

The Chair orders the bill placed before the Senate for immediate consideration.

Senator Plexico offers Amendment No. 1 which is adopted (36-0), changing the title, upon concurrence, to read **H.B. 1539**, a bill to change the pay date for certain employees of the Henderson County Public Schools.

The bill, as amended, passes its second (38-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

CALENDAR (Continued)

S.B. 1269, a bill to modify the administrative structure of the Teachers' and State Employees' Comprehensive Major Medical Plan, as amended, upon third reading.

With unanimous consent, on motion of Senator Sherron, the bill, as amended, is taken up out of its regular order of business.

Senator Sherron calls the previous question, seconded by Senator Kaplan. The call is sustained.

The bill, as amended, passes its third reading (37-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1669, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the City of Jacksonville on being named an All America City, referred to the **Rules and Operation of the Senate Committee** on July 1.

Senator Kaplan offers a motion the rules be suspended and the joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration, which motion prevails.

The Chair orders the measure placed before the Senate for immediate consideration.

The joint resolution passes its second (36-0) and third readings and is ordered enrolled.

CALENDAR (Continued)

S.B. 1175, a bill to allow Stanly and Iredell Counties to acquire property for use by the County Boards of Education and to authorize Boards of Education in Stanly, Richmond, and Iredell Counties to convey property to the County in connection with improvements and repair of the property, for concurrence in House Amendments No. 1, No. 2, and No. 3, upon third reading, and which proposes to change the title.

With unanimous consent, on motion of Senator Conder, the bill is taken up out of its regular order of business.

On motion of Senator Conder, consideration of the bill, as amended, is postponed until Monday, July 20.

H.B. 723 (Senate Committee Substitute), a bill to raise the City's formal bid threshold, to change the date when interest accrues on and a lien is created for a facilities fee imposed by the City and payable in installments, to extend the time in which a facilities fee may be paid, and to amend the City's Charter provisions concerning assessments for water mains and sewers, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Murphy, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Ward, and Warren—38.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 17, for further consideration upon third reading.

H.B. 1677, a bill to provide that the Veterans' Affairs Commission shall issue rules for the awarding of the North Carolina Services Medal to veterans who have served in any war, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Murphy, Parnell, Perdue, Plexico, Plyler, Pollard, Royall, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Ward, and Warren—37.

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, July 17, for further consideration upon third reading.

S.B. 1020 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, to direct various State agencies to study specified issues, and to make other amendments to the law.

Without objection, on motion of Senator Martin of Guilford, the Committee Substitute bill is temporarily displaced.

H.B. 628 (Senate Committee Substitute), a bill to limit the number of hours that youths enrolled in school are allowed to work.

Senator Cooper offers Amendment No. 1 which is adopted (37-1), changing the title, upon concurrence, to read **H.B. 628** (Senate Committee Substitute), a bill to limit the number of hours and the time of day that youths enrolled in school are allowed to work.

The Senate Committee Substitute bill, as amended, passes its second (34-4) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

CONFERENCE REPORT

H.B. 1395 (Senate Committee Substitute)

Senator Plyler, for Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1395** (Senate Committee Substitute), a bill to establish an inter-agency task force to study the reorganization of State agencies involved with occupational safety and health and fire safety responsibilities and to file a report with the General Assembly, which proposes to change the title, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1395, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN INTER-AGENCY TASK FORCE TO STUDY THE REORGANIZATION OF STATE AGENCIES INVOLVED WITH OCCUPATIONAL SAFETY AND HEALTH AND FIRE SAFETY RESPONSIBILITIES AND TO FILE A REPORT WITH THE GENERAL ASSEMBLY, Senate Judiciary II Committee Substitute Adopted 7/7/92 (Second Edition), wish to report as follows:

The House concurs in the Senate Committee Substitute (Second Edition) with the following three amendments:

(1) on page 2, lines 4-5, by rewriting said lines to read:

"(10) One employee selected by the Speaker of the House of Representatives from a list of recommendations submitted by the AFL-CIO and one business owner selected by the President Pro Tempore of the Senate from a list of recommendations submitted by the North Carolina Citizens for Business and Industry.";

(2) and on page 2, lines 8 - 9 by deleting the language "Joint Legislative Commission on Governmental Operations by June 1, 1993" and substituting the language "members of the General Assembly by March 1, 1993";

(3) and on page 2, line 37 by adding at the end of said line a new sentence to read: "Members of the Task Force shall serve without compensation or reimbursement."

and the Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 16th day of July, 1992.

S/Sands
S/Frank W. Ballance
S/Roy Cooper
S/Aaron W. Plyler
S/Paul S. Smith

Conferees on the part of the Senate

S/Milton F. Fitch, Jr.
S/Anne B. Barnes
S/Pete Cunningham
S/Sam Hunt
S/John B. McLaughlin
S/Harry Payne, Jr.

Conferees on the part of the House of Representatives

On motion of Senator Plyler, the Conference Report is adopted (35-1), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF A BILL

Senator Barnes offers a motion that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Raynor, Sands, Johnson, Smith, Hartsell, Forrester, Carpenter, Daughtry, Carter, Plyler, Cooper, Pollard, Simpson, Blackmon, Parnell, Hunt, Tally, Ward, Seymour, Allran, Soles, Shaw, Sherron, Bryan, Kaplan, Staton, Daniel, Conder, and Plexico:

S.B. 1277, a bill to provide that the immunity held by members of the General Assembly does not apply to infractions.

On motion of Senator Barnes, the bill is placed before the Senate for immediate consideration upon it passage, and on his further motion is temporarily displaced.

CALENDAR (Continued)

H.B. 870, a bill to require identification of voters.

On motion of Senator Hunt, Committee Amendment No. 1 is adopted.

Senator Kaplan offers Amendment No. 2.

On motion of Senator Basnight, the bill, as amended, with Amendment No. 2 pending, is re-referred to the Appropriations Committee.

H.B. 916 (Committee Substitute), a bill to provide that reimbursements to local governments shall be provided by earmarking rather than by appropriation and to provide that the Fiscal Trends Study Commission shall study local government fiscal issues.

On motion of Senator Basnight, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (39-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 1159 (House Committee Substitute), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection or disposal of nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources, to establish a uniform maximum duration of such contracts, to allow all local governments to enter into such contracts, to provide for partial credit toward the State nonhazardous municipal solid waste reduction goal for nonhazardous municipal solid waste that is converted into tire-derived fuel or refuse-derived fuel, and to require the Department to adopt rules to initiate public participation prior to granting a permit for a solid waste disposal facility within one mile of an existing site and to require the Department to review long-term contracts entered into prior to the effective date of this act, which proposes to change the title.

The motion of Senator Tally, prevailing earlier today, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Plexico (Chairman), Tally, Lee, and Carpenter as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 1386 (Senate Committee Substitute), a bill to permit the Commissioner of Labor to impose penalties against public agencies for OSHA violations and to hold a fine

against units of local government in abeyance pending abatement of the violation, which proposes to change the title.

The motion of Senator Sands, prevailing earlier today, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Sands (Chairman), Ballance, Cooper, Plyler, and Smith as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1394 (Senate Committee Substitute), a bill to protect employees from retaliatory discrimination in employment for engaging in protected activities.

The motion of Senator Sands, prevailing earlier today, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Sands (Chairman), Ballance, Cooper, Plyler, and Smith as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 182 (Committee Substitute), a bill recommended by the Juvenile Study Commission to eliminate appeals to Superior Court under the Parental Control Act and to facilitate *pro se* representation by parents.

The motion of Senator Sands, prevailing on Tuesday, July 14, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Cooper (Chairman), Allran, and Hartsell as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 172 (Senate Committee Substitute), a bill to resume electing the Tax Collector of Mitchell County.

Pursuant to the message from the House of Representatives received on Thursday, July 9, requesting conferees, Senator Simpson offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Staton (Chairman), Lee, Plexico, Raynor, Sands, Simpson, Daniel, and Speed, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 863
(House Committee Substitute)

House of Representatives
July 16, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body requesting the return of House Comm. Sub. to Senate Bill 863, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FEE SCHEDULE FOR THE STANDARDS LABORATORY AND TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO CHARGE A FEE FOR DRUG TESTING AS A CONDITION OF PROBATION OR PAROLE for further consideration by the House of Representatives.

Respectfully,
S/Grace A. Collins
Principal Clerk

With unanimous consent, on motion of Senator Barnes, the House Committee Substitute bill is ordered taken from the Office of the Principal Clerk and returned to the House of Representatives.

Without objection, on motion of Senator Barnes, the Senate recesses at 3:05 P.M. for the purpose of committee meetings to reconvene at 4:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

CALENDAR (Continued)

H.B. 999, a bill to provide for a member of the Teachers' and State Employees' Retirement System to purchase time lost due to interrupted service for maternity and parental leave or involuntary administrative furlough, as amended by the **Pensions and Retirement Committee** and the **Appropriations Committee**.

The bill, as amended, passes its second (37-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1, No. 2, No. 3, and No. 4 by special messenger.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Basnight for the **Appropriations Committee**:

S.B. 927, a bill to appropriate funds for the Legislative Budget Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, and the Committee Substitute bill which changes the title to read **S.B. 927** (Committee Substitute), a bill to establish the Legislative Budget Commission, is placed before the Senate for immediate consideration.

On motion of Senator Basnight, the Committee Substitute bill is adopted, and on his further motion remains before the Senate for further consideration upon its passage.

On motion of Senator Basnight, the Committee Substitute bill is temporarily displaced.

By Senator Daniel for the **Finance Committee**:

H.B. 1568, a bill to establish uniform principles to apply when accounting for fees, to make conforming changes to various fees in accordance with these principles, and to correct cross references to the Current Operations Appropriations Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Senate Committee Substitute bill which changes the title, upon concurrence, to read **H.B. 1568** (Senate Committee Substitute), a bill to clarify the accounting treatment of certain fees and to correct cross references to the Current Operations Appropriations Act, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Senate Committee Substitute bill is adopted.

Pursuant to Rule 43, the measure is re-referred to the **Appropriations Committee**.

CALENDAR (Continued)

S.B. 927 (Committee Substitute), a bill to establish the Legislative Budget Commission, temporarily displaced earlier.

Senator Simpson offers Amendment No. 1 which is adopted (36-0).

The Committee Substitute bill, as amended, passes its second (36-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Sands for the **Judiciary II Committee**:

S.B. 1271, a bill to provide that experienced electrical supervisors employed in the manufacturing industry may draw internal electrical wiring prints and supervise internal electrical wiring work without meeting the licensure requirements for engineers and land surveyors, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for tomorrow, July 17, for further consideration.

CALENDAR (Continued)

S.B. 1020 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, to direct various State agencies to study specified issues, and to make other amendments to the law, temporarily displaced earlier.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (33-0), changing the title to read **S.B. 1020** (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, to make allocations therefor, to direct various State agencies to study specified issues, and to make other amendments to the law.

Senator Martin of Guilford offers Amendment No. 2 which is adopted (35-0).
Senator Martin of Guilford offers Amendment No. 3 which is adopted (34-2).
Senator Martin of Guilford offers Amendment No. 4 which is adopted (36-0).
Senator Seymour offers Amendment No. 5 which is adopted (34-0).
Senator Perdue offers Amendment No. 6 which is adopted (35-0).
Senator Cooper offers Amendment No. 7 which is adopted (36-0).
Senator Lee offers Amendment No. 8 which is adopted (35-0).
Senator Daniel offers Amendment No. 9 which is adopted (36-0).
Senator Staton offers Amendment No. 10 which fails of adoption (6-32).
Senator Simpson offers Amendment No. 11 which is adopted (31-7).
Senator Daniel offers Amendment No. 12 which is adopted (38-0).
Senator Daniel offers Amendment No. 13 which is adopted (37-0).
Senator Daniel offers Amendment No. 14 which is adopted (37-0).

The Committee Substitute bill, as amended, passes its second reading (37-0).

With unanimous consent, on motion of Senator Barnes, the Committee Substitute bill, as amended, is temporarily displaced.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Seymour, Vice Chairman, for the **Insurance Committee**:

H.B. 1621 (Committee Substitute), a bill to eliminate safe driver incentive plan surcharges on accidents by fire, rescue, or law enforcement personnel while acting in the line of duty, with a favorable report.

CALENDAR (Continued)

S.B. 1277, a bill to provide that the immunity held by members of the General Assembly does not apply to infractions, temporarily displaced earlier.

On motion of Senator Barnes, consideration of the bill is postponed until tomorrow, July 17.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

S.B. 67 (Committee Substitute), a bill to provide a tax credit for the use of North Carolina ports, for concurrence in House Amendment No. 1.

On motion of Senator Perdue, the rules are suspended without objection, and the bill is placed before the Senate for immediate consideration.

The Senate concurs in House Amendment No. 1 (37-0) and the measure is ordered enrolled.

CALENDAR (Continued)

S.B. 1020 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, to make allocations therefor, to direct various State agencies to study specified issues, and to make other amendments to the law, as amended, upon third reading, temporarily displaced earlier.

Senator Daughtry offers Amendment No. 15 which is adopted (38-0).

The Committee Substitute bill, as amended, passes its third reading (37-0) and is ordered engrossed and sent to the House of Representatives by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 976 (Committee Substitute), a bill to provide that owners of certain historic motor vehicles who had obtained permanent special license plates before October 1, 1991, are not required to pay annual motor vehicle registration fees, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 976** (House Committee Substitute), a bill to create the Capital Needs Study Commission, which is placed on the Calendar for tomorrow, July 17.

S.B. 1007, a bill to provide that if a person conducts business at a trade show or flea market, the trade show or flea market is not considered the person's business location for the purpose of the privilege license tax, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 17.

S.B. 1113 (House Committee Substitute), a bill to authorize the construction and financing of a capital improvements project at North Carolina State University at Raleigh, for concurrence in the House Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill (1-34) and the question becomes the appointment of conferees.

Senator Daniel offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

S.B. 1154 (House Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 17.

S.B. 1261, a bill to remove the requirement that a person be a resident of the State in order to obtain a hunting and fishing guide license, for concurrence in House Amendments No. 1 and No. 3, which is placed on the Calendar for tomorrow, July 17.

CALENDAR (Continued)

S.B. 1277, a bill to provide that the immunity held by members of the General Assembly does not apply to infractions, earlier today ordered placed on the Calendar for July 17.

Senator Barnes offers a motion that the vote by which the motion to place the bill on the Calendar for tomorrow, July 17, for consideration prevailed be reconsidered, which motion prevails, and the question becomes the motion to place the bill on the Calendar for tomorrow, July 17.

With unanimous consent, Senator Barnes withdraws his motion, and the bill remains before the Senate for further consideration.

Senator Shaw offers Amendment No. 1.

On motion of Senator Barnes, further consideration of the bill, with Amendment No. 1 pending, is postponed until tomorrow, July 17.

S.B. 1255 (House Committee Substitute), a bill to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued, for concurrence in the House Committee Substitute bill, upon second reading, and which proposes to change the title.

With unanimous consent, on motion of Senator Speed, the House Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in the House Committee Substitute bill on second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Parnell, Perdue, Plexico, Pollard, Raynor, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, and Ward—38.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, July 17, for further consideration upon third reading.

With bills remaining on the Calendar, on motion of Senator Barnes, seconded by Senator Blackmon, the Senate adjourns at 6:05 P.M. to meet tomorrow, July 17, at 9:00 A.M.

ONE HUNDRED THIRTY-FOURTH DAY

SENATE CHAMBER,
Friday, July 17, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Our God, in matters of the eternal and the temporal, we confess that our knowledge is imperfect and our prophecies are not always prophetic. But You have promised that the Perfect will come.

"When we see You face to face, we will know all the correct answers to the problems that have confronted us. But until then, please help us to live with the limitation that we see through the glass dimly.

"Bring focus and clarity to our vision today, so that we may move forward with confidence and courage. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, Thursday, July 16, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Forrester, who is covering his medical practice; to Senator Parnell, who has a business appointment; and to Senator Marvin, Senator Cochrane, Senator Soles, Senator Plyler, Senator Block, Senator Richardson, and Senator Winner.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders measures sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1455 (Senate Committee Substitute), an act to impose a privilege license tax on real estate appraisers. (Ch. 974)

S.B. 1003, an act to provide that contractors' inventories will be entitled to the same property tax exemption as manufacturers', retailers', and wholesalers' inventories. (Ch. 975)

S.B. 1090, an act to allow certain cities of under three hundred population to hold ABC elections. (Ch. 976)

S.B. 67 (Committee Substitute), an act to provide a tax credit for the use of North Carolina ports. (Ch. 977)

H.J.R. 1669, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a joint resolution honoring the City of Jacksonville on being named an All America City. (Res. 72)

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Thursday, July 16, are taken up and disposed of, as follows:

S.B. 1233, a bill to further amend Chapter 745 of the 1989 Session Laws to increase the authorized project cost of a wholly self-liquidating project involving a lease between the University of North Carolina at Chapel Hill and the United States Environmental Protection Agency, for concurrence in House Amendment No. 1, upon second reading.

The Senate concurs in House Amendment No. 1 on second reading by roll-call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Blackmon, Carpenter, Conder, Cooper, Daniel, Daughtry, Goldston, Hunt, Hyde, Kaplan, Martin of Guilford, Murphy, Odom, Perdue, Plexico, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Tally, Ward, and Warren—29.

Voting in the negative: None.

The bill remains on the Calendar for Monday, July 20, for further consideration upon third reading.

S.B. 707 (House Committee Substitute), a bill to provide procedures for the return of condemned property, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (30-1) and the measure is ordered enrolled.

S.B. 61 (House Committee Substitute), a bill to appoint persons to various boards and commissions upon the recommendation of the President of the Senate, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (33-0) and the measure is ordered enrolled.

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 723 (Senate Committee Substitute), a bill to raise the City's formal bid threshold, to change the date when interest accrues on and a lien is created for a facilities fee imposed by the City and payable in installments, to extend the time in which a facilities fee may be paid, and to amend the City's Charter provisions concerning assessments for water mains and sewers, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Blackmon, Carpenter, Conder, Cooper, Daniel, Daughtry, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Perdue, Plexico, Pollard, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Ward, and Warren—35.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 1677, a bill to provide that the Veterans' Affairs Commission shall issue rules for the awarding of the North Carolina Services Medal to veterans who have served in any war, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Blackmon, Carpenter, Conder, Cooper, Daniel, Daughtry, Goldston, Hartsell, Hunt, Hyde,

Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Perdue, Plexico, Pollard, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Speed, Staton, Tally, Ward, and Warren—35.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 971 (Committee Substitute), a bill to transfer railroad supervision and railroad safety supervision from the North Carolina Utilities Commission to the Department of Transportation and to appropriate funds from the Highway Fund to support the transfer, as amended by the **Finance Committee**, upon second reading.

On motion of Senator Basnight, the **Appropriations Committee** Amendment, No. 2, is adopted.

Senator Goldston, Vice Chairman, of the **Finance Committee** requests a fiscal note on the Committee Substitute bill, as amended. Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Tuesday, July 21, for receipt of the fiscal note.

S.B. 1271 (Committee Substitute), a bill to provide that experienced electrical supervisors employed in the manufacturing industry may draw internal electrical wiring prints and supervise internal electrical wiring work without meeting the licensure requirements for engineers and land surveyors.

Without objection, on motion of Senator Sands, the Committee Substitute bill is temporarily displaced.

S.B. 1277, a bill to provide that the immunity held by members of the General Assembly does not apply to infractions, with Amendment No. 1 pending.

Amendment No. 1, offered July 16 by Senator Shaw, is adopted (35-1).

The bill, as amended, passes its second (35-1) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

H.B. 528 (Senate Committee Substitute), a bill to amend the frequency of reports prepared for the General Assembly, the Environmental Review Commission, and the Joint Legislative Commission on Governmental Operations relating to various environmental programs.

The Senate Committee Substitute bill passes its second (36-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 1621 (Committee Substitute), a bill to eliminate safe driver incentive plan surcharges on accidents by fire, rescue, or law enforcement personnel while acting in the line of duty.

The Committee Substitute bill passes its second (36-0) and third readings and is ordered enrolled.

S.B. 1255 (House Committee Substitute), a bill to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued, for concurrence in the House Committee Substitute bill, upon third reading, and which proposes to change the title.

The Senate concurs in the House Committee Substitute bill on third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Carter, Conder, Cooper, Daniel, Daughtry, Goldston, Hartsell, Hunt, Hyde, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Perdue, Plexico, Pollard, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Tally, Ward, and Warren—34.

Voting in the negative: None.

The title changes and the Chair orders the House Committee Substitute bill enrolled.

S.B. 1154 (House Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Blackmon, Bryan, Carpenter, Carter, Conder, Cooper, Daniel, Daughtry, Goldston, Hartsell, Hunt, Hyde, Johnson, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Perdue, Plexico, Pollard, Royall, Sands, Seymour, Sherron, Simpson, Smith, Speed, Staton, Tally, Ward, and Warren—34.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Monday, July 20, for further consideration upon third reading.

S.B. 274 (House Committee Substitute), a bill to clarify the sale of surplus right-of-way by the Department of Transportation, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (31-5) and the measure is ordered enrolled.

S.B. 976 (House Committee Substitute), a bill to create the Capital Needs Study Commission, for concurrence in the House Committee Substitute bill, which proposes to change the title.

Senator Barnes rises to a point of order as to the House Committee Substitute bill being germane to the original subject matter of the measure. The Chair rules the House Committee Substitute bill not germane.

With unanimous consent on motion of Senator Barnes, the House Committee Substitute bill is ordered returned to the House of Representatives by special messenger informing that Honorable Body of the ruling by the President of the Senate.

S.B. 1007, a bill to provide that if a person conducts business at a trade show or flea market, the trade show or flea market is not considered the person's business location for the purpose of the privilege license tax, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (36-0) and the measure is ordered enrolled.

S.B. 1261, a bill to remove the requirement that a person be a resident of the State in order to obtain a hunting and fishing guide license, for concurrence in House Amendments No. 1 and No. 3.

The Senate concurs in House Amendments No. 1 and No. 3 (36-0) and the measure is ordered enrolled.

S.B. 971 (Committee Substitute)

Senator Lee rises and announces the receipt of a fiscal note on **S.B. 971** (Committee Substitute), a bill to transfer railroad supervision and railroad safety supervision from the North Carolina Utilities Commission to the Department of Transportation and to appropriate funds from the Highway Fund to support the transfer, as amended by the **Finance Committee** and the **Appropriations Committee**, placed earlier today on the Calendar for Tuesday, July 21, upon second reading, for receipt of a fiscal note.

Senator Lee submits the fiscal note. The Chair orders the fiscal note attached to the measure, pursuant to Rule 42.1.

Senator Barnes offers a motion the rules be suspended to the end that the Committee Substitute bill, as amended, be taken from the Calendar for Tuesday, July 21, and placed before the Senate for further consideration, upon second reading, which motion prevails.

Senator Goldston offers Amendment No. 3.

Senator Sands offers a motion that the Committee Substitute bill, as amended, with Amendment No. 3 pending, be recommitted to the **Finance Committee**, which motion he subsequently withdraws.

Amendment No. 3, offered by Senator Goldston, is held to be material, proposing to further change the title to read **S.B. 971** (Committee Substitute), a bill to transfer railroad supervision and railroad safety supervision from the North Carolina Utilities Commission to the Department of Transportation and to levy an additional one-half cent sales tax on fuel used by railroads to support the transfer.

Senator Goldston subsequently withdraws Amendment No. 3.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 30, noes 7, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Bryan, Carpenter, Conder, Cooper, Daniel, Hartsell, Hunt, Hyde, Johnson, Lee, Martin of Guilford, Murphy, Odom, Perdue, Plexico, Royall, Sands, Seymour, Sherron, Simpson, Speed, Staton, Tally, Ward, and Warren—30.

Voting in the negative: Senators Carter, Daughtry, Goldston, Martin of Pitt, Pollard, Shaw, and Smith—7.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, July 20, for further consideration upon third reading.

S.B. 1271 (Committee Substitute), a bill to provide that experienced electrical supervisors employed in the manufacturing industry may draw internal electrical wiring prints and supervise internal electrical wiring work without meeting the licensure requirements for engineers and land surveyors, temporarily displaced earlier.

On motion of Senator Sands, further consideration of the Committee Substitute bill is postponed until Monday, July 20.

On motion of Senator Barnes, seconded by Senator Sands, the Senate adjourns at 10:20 A.M. to meet Monday, July 20, at 7:00 P.M.

ONE HUNDRED THIRTY-FIFTH DAY

SENATE CHAMBER,
Monday, July 20, 1992.

The Senate meets pursuant to adjournment and in the absence of the Lieutenant Governor is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, the anticipation that precedes the beginning of an event is often vastly different than the anticipation of bringing that same event to closure.

"In the former, anticipation is characterized by an ideological mindset; that we will encounter unity even in diversity or that harmony will triumph over discord or that every good piece of legislation will be received and ratified to the benefit of our people.

"In the latter case, that of anticipating closure, we must face reality that we are not perfect, that conflicts will continue, that in spite of all our efforts, some expectations have not been met.

"And so, we turn to You and say, 'Lord, we do not hope in ourselves, our technology, our governments, our laws, our tenacity, our courage, or our will though these things are all necessary to provide harmony and justice. We hope in You!' Amen."

Senator Royall, Deputy President *Pro Tempore*, announces that the Journal of Friday, July 17, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for tonight to Senator Winner.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders measures sent to the House of Representatives by special messenger.

The Chair extends courtesies of the gallery to John Winter, former Senator from Wake County.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 1175, a bill to allow Stanly and Iredell Counties to acquire property for use by the County Boards of Education and to authorize Boards of Education in Stanly, Richmond, and Iredell Counties to convey property to the County in connection with improvements and repair of the property, for concurrence in House Amendments No. 1, No. 2, and No. 3, upon third reading, and which proposes to change the title.

The Senate concurs in House Amendments No. 1, No. 2, and No. 3 on third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Carpenter, Carter, Cochrane, Conder, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Warren—40.

Voting in the negative: None.

The title changes and the bill is ordered enrolled.

S.B. 971 (Committee Substitute), a bill to transfer railroad supervision and railroad safety supervision from the North Carolina Utilities Commission to the Department of Transportation and to cease regulation of private ferry services which are regulated by the National Park Service, as amended, upon third reading.

Senator Goldston offers Amendment No. 4, amending Amendment No. 2, which fails of adoption (17-26).

The Chair orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

S.B. 57 (Committee Substitute), a bill to provide property tax deferral as an alternative form of property tax relief for the elderly and disabled, upon second reading.

Senator Royall, Chairman of the **Ways and Means Committee**, requests a fiscal note on the Committee Substitute bill. Pursuant to Rule 42.1, the Chair orders the measure placed on the Calendar for Wednesday, July 22, for receipt of the fiscal note.

S.B. 1271 (Committee Substitute), a bill to provide that experienced electrical supervisors employed in the manufacturing industry may draw internal electrical wiring prints and supervise internal electrical wiring work without meeting the licensure requirements for engineers and land surveyors.

On motion of Senator Allran, consideration of the Committee Substitute bill is postponed until tomorrow, July 21.

S.J.R. 1275, a joint resolution honoring the life and memory of the Honorable Joseph Branch, former Chief Justice of the North Carolina Supreme Court and State Legislator.

Senator Ballance offers Amendment No. 1 which is adopted (44-0).

With unanimous consent, on motion of Senator Ballance, the joint resolution is read in its entirety.

The joint resolution, as amended, passes its second reading (46-0) and third reading with members standing, and is ordered, with unanimous consent, sent to the House of Representatives by special messenger without engrossment of Amendment No. 1.

The Chair recognizes and extends courtesies of the gallery to the family of the late Chief Justice of the Supreme Court, the Honorable Joseph Branch: Frances Branch, his widow; Jim Branch, his son; and daughter-in-law, Lizbeth Branch; Jane McCree, his daughter; and son-in-law, Bill McCree. The Chair further extends courtesies of the gallery to Associate Justices of the Supreme Court of North Carolina, to Judges of the General Court of Justice and to friends: the Honorable Burley B. Mitchell, Associate Justice of the Supreme Court of North Carolina; the Honorable Henry E. Frye, Associate Justice of the Supreme Court; the Honorable John Webb, Associate Justice of the Supreme Court of North Carolina; the Honorable David Britt, former Associate Justice of the Supreme Court of North Carolina; the Honorable Sidney S. Eagles, Judge of the North Carolina Court of Appeals; the Honorable Sarah E. Parker, Judge of the North Carolina Court of Appeals; Dallas Cameron, former Administrative Assistant and Assistant Director of the Administrative Office of the Courts; Christy Price, Clerk of the Supreme Court; and Peggy Byrd, Assistant Clerk of the Supreme Court.

S.B. 1154 (House Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Basnight, consideration of the House Committee Substitute bill is postponed until tomorrow, July 21.

S.B. 1233, a bill to further amend Chapter 745 of the 1989 Session Laws to increase the authorized project cost of a wholly self-liquidating project involving a lease between the University of North Carolina at Chapel Hill and the United States Environmental Protection Agency, for concurrence in House Amendment No. 1, upon third reading.

The Senate concurs in House Amendment No. 1 on third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Tally, Walker, Ward, and Warren—45.

Voting in the negative: None.

The bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 597
(House Committee Substitute No. 2)

House of Representatives
July 17, 1992

Mr. President:

It is ordered that a message be sent informing your Honorable Body that the conference report for Senate Bill 597 (House Committee Substitute #2) "A BILL TO BE ENTITLED AN ACT TO CLARIFY SUBCONTRACTORS' LIENS AND DIRECT THE GENERAL STATUTES COMMISSION TO CONDUCT A STUDY OF STATUTORY LIENS OF MECHANICS, LABORERS AND MATERIALMEN AND

MODEL PAYMENT AND PERFORMANCE BONDS AS SET FORTH IN ARTICLES 2 AND 3 OF CHAPTER 44A OF THE GENERAL STATUTES" has been returned to the conference committee for further consideration.

Respectfully,
S/Grace A. Collins
Principal Clerk

RECONSIDERATION

S.B. 597 (House Committee Substitute No. 2), a bill to clarify subcontractors' liens and direct the General Statutes Commission to conduct a study of statutory liens of mechanics, laborers and materialmen and model payment and performance bonds as set forth in Articles 2 and 3 of Chapter 44A of the General Statutes, Conference Report adopted July 15.

Senator Odom offers a motion that the vote by which the Conference Report was adopted on July 15, be reconsidered, which motion prevails, and the question becomes adoption of the Conference Report.

With unanimous consent, on motion of Senator Odom, the Conference Report is returned to the Conference Committee for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 61 (House Committee Substitute), an act to appoint persons to various boards and commissions upon the recommendation of the President of the Senate. (Ch. 978)

S.B. 274 (House Committee Substitute), an act to clarify the sale of surplus right-of-way by the Department of Transportation. (Ch. 979)

S.B. 707 (House Committee Substitute), an act to provide procedures for the return of condemned property. (Ch. 980)

S.B. 1007, an act to provide that if a person conducts business at a trade show or flea market, the trade show or flea market is not considered the person's business location for the purpose of the privilege license tax. (Ch. 981)

S.B. 1036, an act to repeal the decentralization of the classification and salary administration functions from the Office of State Personnel to all State departments with more than five hundred permanent full-time employees. (Ch. 982)

S.B. 1105 (Committee Substitute), an act to decrease State expenditures for safekeepers by clarifying the law regarding the medical costs of safekeepers and by changing the law regarding the transfer of safekeepers to the Department of Correction. (Ch. 983)

S.B. 1111, an act to provide that blind persons shall be granted preference in the operation of vending facilities on North Carolina highways. (Ch. 984)

S.B. 1143, an act to clarify the law regarding the computation of the minimum number of bids required for capital projects. (Ch. 985)

S.B. 1216 (Committee Substitute), an act to allow the State Board of Education to authorize the Charlotte-Mecklenburg Board of Education to use funds appropriated for teacher assistants for teachers under certain circumstances. (Ch. 986)

S.B. 1255 (House Committee Substitute), an act to ratify, approve, confirm, and validate all proceedings taken in 1991 by the governing board of any unit of local government in connection with the extension of the period during which bonds may be issued. (Ch. 987)

S.B. 1256, an act to clarify that local governmental entities are eligible to receive grant funds for domestic violence centers. (Ch. 988)

S.B. 1261, an act to remove the requirement that a person be a resident of the State in order to obtain a hunting and fishing guide license. (Ch. 989)

H.B. 528 (Senate Committee Substitute), an act to amend the frequency of reports prepared for the General Assembly, the Environmental Review Commission, and the Joint Legislative Commission on Governmental Operations relating to various environmental programs. (Ch. 990)

H.B. 628 (Senate Committee Substitute), an act to limit the number of hours and the time of day that youths enrolled in school are allowed to work. (Ch. 991)

H.B. 723 (Senate Committee Substitute), an act to raise the City's formal bid threshold, to change the date when interest accrues on and a lien is created for a facilities fee imposed by the City and payable in installments, to extend the time in which a facilities fee may be paid, and to amend the City's Charter provisions concerning assessments for water mains and sewers. (Ch. 992)

H.B. 916 (Committee Substitute), an act to provide that reimbursements to local governments shall be provided by earmarking rather than by appropriation and to provide that the Fiscal Trends Study Commission shall study local government fiscal issues. (Ch. 993)

H.B. 1390 (Senate Committee Substitute), an act to establish a workplace requirements program for the safety and health of all State employees. (Ch. 994)

H.B. 1539, an act to change the pay date for certain employees of the Henderson County Public Schools. (Ch. 995)

H.B. 1550, an act to authorize Rockingham County to establish noise districts and to regulate noise within those districts and to modify G.S. 160A-443(5a) with respect to the City of Reidsville. (Ch. 996)

H.B. 1621 (Committee Substitute), an act to eliminate safe driver incentive plan surcharges on accidents by fire, rescue, or law enforcement personnel while acting in the line of duty. (Ch. 997)

H.B. 1677, an act to provide that the Veterans' Affairs Commission shall issue rules for the awarding of the North Carolina Services Medal to veterans who have served in any war. (Ch. 998)

CONFERENCE REPORT NO. 2

S.B. 597 (House Committee Substitute No. 2)

Senator Odom, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 597** (House Committee Substitute No. 2), a bill to clarify subcontractors' liens and direct the General Statutes Commission to conduct a study of statutory liens of mechanics, laborers and materialmen and model payment and performance bonds as set forth in Articles 2 and 3 of Chapter 44A of the General Statutes, submits the following Conference Report,

No. 2, which proposes to change the title, upon adoption, to read, a bill to clarify subcontractors' liens and direct the General Statutes Commission to conduct a study of statutory liens of mechanics, laborers and materialmen and model payment and performance bonds as set forth in Articles 2 and 3 of Chapter 44A of the General Statutes and to provide attorneys' fees to prevailing parties in actions relating to statutory liens on real property and payment and performance bonds.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute #2 for Senate Bill 597, AN ACT TO CLARIFY SUBCONTRACTORS' LIENS AND DIRECT THE GENERAL STATUTES COMMISSION TO CONDUCT A STUDY OF STATUTORY LIENS OF MECHANICS, LABORERS AND MATERIALMEN AND MODEL PAYMENT AND PERFORMANCE BONDS AS SET FORTH IN ARTICLES 2 AND 3 OF CHAPTER 44A OF THE GENERAL STATUTES, Fifth Edition Engrossed 7/8/92, wish to report as follows:

That the Senate concurs in the House Committee Substitute #2 for Senate Bill 597, Fifth Edition Engrossed 7/8/92, with the following amendments:

on page 1, line 6, by inserting the following language immediately before the period: "AND TO PROVIDE ATTORNEYS' FEES TO PREVAILING PARTIES IN ACTIONS RELATING TO STATUTORY LIENS ON REAL PROPERTY AND PAYMENT AND PERFORMANCE BONDS"; and

on page 2, line 1, by deleting "Article II" and inserting in lieu thereof "Article 2"; and

on page 4, lines 8 and 9, by rewriting those lines to read:

"Sec. 3. Chapter 44A of the General Statutes is amended by adding a new section to read:

'§ 44A-35. Attorneys' fees.

In any suit brought or defended under the provisions of Article 2 or Article 3 of this Chapter, the presiding judge may allow a reasonable attorneys' fee to the attorney representing the prevailing party. This attorneys' fee is to be taxed as part of the court costs and be payable by the losing party upon a finding that there was an unreasonable refusal by the losing party to fully resolve the matter which constituted the basis of the suit or the basis of the defense. For purposes of this section, "prevailing party" is a party plaintiff or third party plaintiff who obtains a judgment of at least fifty percent (50%) of the monetary amount sought in a claim or is a party defendant or third party defendant against whom a claim is asserted which results in a judgment of less than fifty percent (50%) of the amount sought in the claim defended. Notwithstanding the foregoing, in the event an offer of judgment is served in accordance with G.S. 1A-1, Rule 68, a "prevailing party" is an offeree who obtains judgment in an amount more favorable than the last offer or is an offeror against whom judgment is rendered in an amount less favorable than the last offer.'

Sec. 4. Section 1 of this act is effective upon ratification and applies to actions filed on or after the date of ratification. Section 2 of this act is effective upon ratification. Section 3 of this act is effective upon ratification and applies to actions filed on or after the date of ratification but before July 1, 1994.

The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

July 20, 1992

This the day of July, 1992.

S/T.L. Odom	S/Sam Hunt
S/Joe Raynor	S/Milton F. Fitch, Jr.
S/R.C. Soles Jr.	S/Annie B. Kennedy
	S/Daniel H. DeVane
	S/George S. Robinson
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Odom, Conference Report No. 2 is adopted (45-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM CALENDAR

S.B. 57 (Committee Substitute), a bill to provide property tax deferral as an alternative form of property tax relief for the elderly and disabled, placed on the Calendar for Wednesday, July 22, earlier today, for receipt of a fiscal note.

Senator Block offers a motion that the Committee Substitute bill be taken from the Calendar for Wednesday, July 22, and be placed before the Senate for further consideration, which motion prevails.

Senator Block submits a letter prepared by Myron C. Banks, Deputy Secretary with the North Carolina Department of Revenue.

The Chair orders the letter attached to the measure, and the Committee Substitute bill remains before the Senate upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, Ward, and Warren—45.

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 21, for further consideration upon third reading.

CALENDAR (Continued)

S.B. 971 (Committee Substitute), a bill to transfer railroad supervision and railroad safety supervision from the North Carolina Utilities Commission to the Department of Transportation and to appropriate funds from the Highway Fund to support the transfer, as amended, upon third reading, temporarily displaced earlier.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 8, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Conder, Cooper, Daniel, Forrester, Hartsell, Hyde, Johnson, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Parnell, Perdue, Plexico, Plyler, Richardson, Royall, Sands, Seymour, Sherron, Simpson, Soles, Speed, Staton, Tally, Walker, Ward, and Warren—37.

Voting in the negative: Senators Carter, Cochrane, Daughtry, Goldston, Martin of Pitt, Pollard, Shaw, and Smith—8.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 182
(Committee Substitute)

House of Representatives
July 17, 1992

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Amendment to Comm. Sub. to SB. No. 182, A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE JUVENILE LAW STUDY COMMISSION TO ELIMINATE APPEALS TO SUPERIOR COURT UNDER THE PARENTAL CONTROL ACT AND TO FACILITATE PRO SE REPRESENTATION BY PARENTS the Speaker has appointed as conferees on the part of the House, Representatives R. Hunter, Chairman; Hensley, Flaherty, Cunningham and Huffman to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1159
(House Committee Substitute)

House of Representatives
July 17, 1992

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to SB. No. 1159, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT LONG-TERM CONTRACTS ENTERED INTO BY LOCAL GOVERNMENTS FOR THE COLLECTION OR DISPOSAL OF NONHAZARDOUS SOLID WASTE MUST BE APPROVED BY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, TO ESTABLISH A UNIFORM MAXIMUM DURATION OF SUCH CONTRACTS, TO ALLOW ALL LOCAL GOVERNMENTS TO ENTER INTO SUCH CONTRACTS, AND TO PROVIDE FOR PARTIAL CREDIT TOWARD THE STATE NONHAZARDOUS MUNICIPAL SOLID WASTE REDUCTION GOAL FOR NONHAZARDOUS MUNICIPAL SOLID WASTE THAT IS CONVERTED INTO TIRE-DERIVED FUEL OR REFUSE-DERIVED FUEL the Speaker has appointed as conferees on the part of the House, Representatives DeVane, McAllister, Nye and Morgan to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1395
(Senate Committee Substitute)

House of Representatives
July 17, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees in the Senate Comm. Sub. to

HB. No. 1395 A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN INTER-AGENCY TASK FORCE TO STUDY THE REORGANIZATION OF STATE AGENCIES INVOLVED WITH OCCUPATIONAL SAFETY AND HEALTH AND FIRE SAFETY RESPONSIBILITIES AND TO FILE A REPORT WITH THE GENERAL ASSEMBLY to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of, as follows:

S.B. 31, a bill to amend Chapter 66 of the General Statutes regulating prepaid entertainment contracts to include sales of campground memberships, for concurrence in the House Committee Substitute bill with Amendments No. 3 and No. 4 not engrossed, and which changes the title, upon concurrence, to read **S.B. 31** (House Committee Substitute), a bill to amend Chapter 66 of the General Statutes regulating prepaid entertainment contracts and to enact the Membership Camping Act, which is placed on the Calendar for tomorrow, July 21.

S.B. 732 (House Committee Substitute No. 2), a bill to establish the Project Genesis Program, an experiment with a restructured school approach for the public schools, for concurrence in the House Committee Substitute bill No. 2.

On motion of Senator Marvin, the rules are suspended without objection, and the House Committee Substitute No. 2 is placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill No. 2 (40-5) and the measure is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 999

House of Representatives
July 20, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in Senate amendments 2, 3 & 4 to HB. No. 999 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE TIME LOST DUE TO INTERRUPTED SERVICE FOR MATERNITY LEAVE and requests conferees. The Speaker has appointed Representatives Holt, Stewart and Michaux on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Perdue offers a motion that the Senate do appoint conferees, which motion prevails. The President *Pro Tempore* takes the appointment of conferees under advisement.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 379
(Senate Committee Substitute)

House of Representatives
July 20, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB. No. 379, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR PERSONS CONVICTED OF DRIVING MORE THAN FIFTEEN MILES PER HOUR OVER THE SPEED LIMIT, TO CHANGE THE STANDARD OF PROOF IN HEARINGS AND REHEARINGS FOR INVOLUNTARY COMMITMENT OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY, AND TO AUTHORIZE A JUDICIAL OFFICIAL IN A NONCAPITAL CASE TO CONDUCT CERTAIN PRETRIAL PROCEEDINGS BY A TWO-WAY AUDIO AND VIDEO TRANSMISSION and requests conferees. The Speaker has appointed Representatives R. Hunter, Flaherty, Hackney, Hensley and Church on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1032
(House Committee Substitute)

House of Representatives
July 20, 1992

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to SB. No. 1032, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCRIMINATION AGAINST ANY PERSON FOR ENGAGING IN THE LAWFUL USE OF ANY LAWFUL PRODUCT DURING NONWORKING HOURS UNRELATED TO EMPLOYMENT the Speaker has appointed as conferees on the part of the House, Representatives Kennedy, B. Holt, Redwine, Bowie, Privette, Barnes, Cunningham, Michaux, Russell and Bowen to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of, as follows:

S.B. 790 (House Committee Substitute), a bill to equalize per diem payments for occupational licensing board members, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 21.

S.B. 1264 (House Committee Substitute), a bill to amend the definition of inventories in the Machinery Act to include certain computer software, for concurrence in the House Committee Substitute bill.

On motion of Senator Goldston, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled.

H.B. 1503, a bill to resolve legal issues by making clear that the three-year window for the purchase of certain creditable service by members of the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, and the Consolidated Judicial Retirement System is and has been in full force and effect since enactment.

Referred to **Pensions and Retirement Committee** and upon a favorable report, re-referred to the **Appropriations Committee.**

H.J.R. 1683, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to change the standard of proof in hearings and rehearings for involuntary commitment of persons found not guilty by reason of insanity.

Referred to **Rules and Operation of the Senate Committee.**

S.B. 1093 (Committee Substitute No. 2), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year and to make other changes in the budget operation of the State, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1093** (House Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, and to make technical corrections necessary to effect the budget operation of the State, which is placed on the Calendar for tomorrow, July 21.

The President *Pro Tempore* relinquishes the gavel to Senator Royall, Deputy President *Pro Tempore*, who presides.

S.B. 1020 (Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create and continue various committees and commissions, to make allocations therefor, to direct various State agencies to study specified issues, and to make other amendments to the law, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read **S.B. 1020** (House Committee Substitute), a bill to authorize studies by the Legislative Research Commission, to create committees and commissions, to make other amendments to the law and to make appropriations therefor.

On motion of Senator Barnes, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill (0-46) and the question becomes the appointment of conferees.

Senator Barnes offers a motion that the Senate do appoint conferees, with instructions to submit no report including the provisions of Sec. 6, Capital Needs Study, which motion prevails (46-0).

The President *Pro Tempore* appoints Senators Perdue (Chairman), Martin of Guilford, Kaplan, and Hartsell as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

The Deputy President *Pro Tempore* relinquishes the gavel to the President *Pro Tempore* of the Senate, the Honorable Henson P. Barnes, who presides.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1113 (House Committee Substitute), a bill to authorize the construction and financing of a capital improvements project at North Carolina State University at Raleigh.

The motion of Senator Daniel, prevailing on July 16, that the Senate do appoint conferees, the President *Pro Tempore* appoints Senator Daniel (Chairman), Sherron, Murphy, and Simpson as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CONFERENCE REPORT

S.B. 1159
(House Committee Substitute)

Senator Plexico for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1159** (House Committee Substitute), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection or disposal of nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources, to establish a uniform maximum duration of such contracts, to allow all local governments to enter into such contracts, to provide for partial credit toward the State nonhazardous municipal solid waste reduction goal for nonhazardous municipal solid waste that is converted into tire-derived fuel or refuse-derived fuel, and to require the Department to adopt rules to initiate public participation prior to granting a permit for a solid waste disposal facility within one mile of an existing site and to require the Department to review long-term contracts entered into prior to the effective date of this act, which proposes to change the title, submits the following report, which proposes to further change the title, upon adoption, to read **S.B. 1159** (House Committee Substitute), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection or disposal of nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources, to establish a uniform maximum duration of such contracts, to allow all local governments to enter into such contracts, to provide for partial credit in certain cases toward the State nonhazardous municipal solid waste reduction goal for nonhazardous municipal solid waste that is converted to tire-derived fuel or refuse-derived fuel, and to require a public hearing and consideration of certain data prior to the selection or approval of a site for certain sanitary landfills by units of local government.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 1159, Sixth Edition Engrossed 7/14/92, AN ACT TO REPEAL THE REQUIREMENT THAT LONG-TERM CONTRACTS ENTERED INTO BY LOCAL GOVERNMENTS FOR THE COLLECTION OR DISPOSAL OF NONHAZARDOUS SOLID WASTE MUST BE APPROVED BY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, TO ESTABLISH A UNIFORM MAXIMUM DURATION OF SUCH CONTRACTS, TO ALLOW ALL LOCAL GOVERNMENTS TO ENTER INTO SUCH CONTRACTS, TO PROVIDE FOR PARTIAL CREDIT TOWARD THE STATE NONHAZARDOUS MUNICIPAL SOLID WASTE REDUCTION GOAL FOR NONHAZARDOUS MUNICIPAL SOLID WASTE THAT IS CONVERTED INTO TIRE-DERIVED FUEL OR REFUSE-DERIVED FUEL, AND TO REQUIRE THE DEPARTMENT TO ADOPT RULES TO

INITIATE PUBLIC PARTICIPATION PRIOR TO GRANTING A PERMIT FOR A SOLID WASTE DISPOSAL FACILITY WITHIN ONE MILE OF AN EXISTING SITE AND TO REQUIRE THE DEPARTMENT TO REVIEW LONG-TERM CONTRACTS ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS ACT, wish to report as follows:

The Senate concurs in the House Committee Substitute, Sixth Edition Engrossed 7/14/92, with an amendment as follows:

"Delete the entire House Committee Substitute, Sixth Edition Engrossed 7/14/92, and substitute the attached proposed Conference Committee Substitute PCCS4737."

The House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 20th day of July, 1992.

S/J. Clark Plexico	S/Daniel H. DeVane
S/Robert C. Carpenter	S/Mary E. McAllister
S/Howard N. Lee	S/Richard T. Morgan
S/Lura Tally	S/Edd Nye
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

The text of the attached Proposed Conference Committee Substitute bill PCCS-4737 is as follows:

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE REQUIREMENT THAT LONG-TERM CONTRACTS ENTERED INTO BY LOCAL GOVERNMENTS FOR THE COLLECTION OR DISPOSAL OF NONHAZARDOUS SOLID WASTE MUST BE APPROVED BY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, TO ESTABLISH A UNIFORM MAXIMUM DURATION OF SUCH CONTRACTS, TO ALLOW ALL LOCAL GOVERNMENTS TO ENTER INTO SUCH CONTRACTS, TO PROVIDE FOR PARTIAL CREDIT IN CERTAIN CASES TOWARD THE STATE NONHAZARDOUS MUNICIPAL SOLID WASTE REDUCTION GOAL FOR NONHAZARDOUS MUNICIPAL SOLID WASTE THAT IS CONVERTED TO TIRE-DERIVED FUEL OR REFUSE-DERIVED FUEL, AND TO REQUIRE A PUBLIC HEARING AND CONSIDERATION OF CERTAIN DATA PRIOR TO THE SELECTION OR APPROVAL OF A SITE FOR CERTAIN SANITARY LANDFILLS BY UNITS OF LOCAL GOVERNMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-136 reads as rewritten:

"**§ 153A-136. Regulation of solid wastes.**

(a) A county may by ordinance regulate the storage, collection, transportation, use, disposal, and other disposition of solid wastes. Such an ordinance may:

(1) Regulate the activities of persons, firms, and corporations, both public and private.

(2) Require each person wishing to commercially collect or dispose of solid wastes to secure a license from the county and prohibit any person from commercially collecting or disposing of solid wastes without a license. A fee may be charged for a license.

(3) Grant a franchise to one or more persons for the exclusive right to commercially collect or dispose of solid wastes within all or a defined

portion of the county and prohibit any other person from commercially collecting or disposing of solid wastes in that area. The board of commissioners may set the terms of any franchise, except that no franchise may be granted for a period exceeding ~~seven~~ 30 years, nor may any franchise by its terms impair the authority of the board of commissioners to regulate fees as authorized by this section.

(4) Regulate the fees, if any, that may be charged by licensed or franchised persons for collecting or disposing of solid wastes.

(5) Require the source separation of materials from solid waste prior to collection of the solid waste for disposal.

(6) Require participation in a recycling program which has been approved by the board of commissioners.

(7) Include any other proper matter.

(b) Any ordinance adopted pursuant to this section shall be consistent with and supplementary to any rules adopted by the Commission for Health Services or the Department of Environment, Health, and Natural Resources.

(c) The board of commissioners of a county shall consider alternative sites and socioeconomic and demographic data and shall hold a public hearing prior to selecting or approving a site for a new sanitary landfill that receives residential solid waste that is located within one mile of an existing sanitary landfill within the State. The distance between an existing and a proposed site shall be determined by measurement between the closest points on the outer boundary of each site. The definitions set out in G.S. 130A-290 apply to this subsection. As used in this subsection:

(1) 'Approving a site' refers to prior approval of a site under G.S. 130A-294(a)(4).

(2) 'Existing sanitary landfill' means a sanitary landfill that is in operation or that has been in operation within the five-year period immediately prior to the date on which an application for a permit is submitted.

(3) 'New sanitary landfill' means a sanitary landfill that includes areas not within the legal description of an existing sanitary landfill as set out in the permit for the existing sanitary landfill.

(4) 'Socioeconomic and demographic data' means the most recent socioeconomic and demographic data compiled by the United States Bureau of the Census and any additional socioeconomic and demographic data submitted at the public hearing.

(d) As used in this section, 'solid waste' means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous waste."

Sec. 2. G.S. 160A-319 reads as rewritten:

"**§ 160A-319. Utility franchises.**

(a) A city shall have authority to grant upon reasonable terms franchises for the operation within the city of any of the enterprises listed in G.S. 160A-311 and for the operation of telephone systems. No franchise shall be granted for a period of more than 60 years, except that a franchise for solid waste collection or disposal systems and facilities shall not be granted for a period of more than 30 years and cable television franchises shall not be granted for a period of more than 20 years. Except as otherwise provided by law, when a city operates an enterprise, or upon granting a franchise, a city may by ordinance make it unlawful to operate an enterprise without a franchise.

(b) For the purposes of this section, 'cable television system' means any system or facility that, by means of a master antenna and wires or cables, or by wires or cables alone, receives, amplifies, modifies, transmits, or distributes any television, radio, or electronic signal, audio or video or both, to subscribing members of the public for compensation. 'Cable television system' does not include providing master antenna services only to property owned or leased by the same person, firm, or corporation, nor communication services rendered to a cable television system by a public utility that is

regulated by the North Carolina Utilities Commission or the Federal Communications Commission in providing those services."

Sec. 3. Part 1 of Article 16 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-325. Selection or approval of sites for certain sanitary landfills; solid waste defined.

(a) The governing board of a city shall consider alternative sites and socioeconomic and demographic data and shall hold a public hearing prior to selecting or approving a site for a new sanitary landfill that receives residential solid waste that is located within one mile of an existing sanitary landfill within the State. The distance between an existing and a proposed site shall be determined by measurement between the closest points on the outer boundary of each site. The definitions set out in G.S. 130A-290 apply to this subsection. As used in this subsection:

(1) 'Approving a site' refers to prior approval of a site under G.S. 130A-294(a)(4).

(2) 'Existing sanitary landfill' means a sanitary landfill that is in operation or that has been in operation within the five-year period immediately prior to the date on which an application for a permit is submitted.

(3) 'New sanitary landfill' means a sanitary landfill that includes areas not within the legal description of an existing sanitary landfill as set out in the permit for the existing sanitary landfill.

(4) 'Socioeconomic and demographic data' means the most recent socioeconomic and demographic data compiled by the United States Bureau of the Census and any additional socioeconomic and demographic data submitted at the public hearing.

(b) As used in this Part, 'solid waste' means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous waste."

Sec. 4. Part 3 of Article 15 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-294. Solid waste defined.

As used in this Article, 'solid waste' means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous waste."

Sec. 5. Part 4 of Article 15 of Chapter 153A of the General Statutes, as amended by Chapters 763, 773, and 775 of the 1991 Session Laws (1992 Regular Session), is repealed.

Sec. 6. G.S. 130A-309.04 reads as rewritten:

"**§ 130A-309.04. State solid waste management policy and goals.**

(a) It is the policy of the State to promote methods of solid waste management that are alternatives to disposal in landfills and to assist units of local government with solid waste management. In furtherance of this State policy, there is established a hierarchy of methods of managing solid waste, in descending order of preference:

(1) Waste reduction at the source;
(2) Recycling and reuse;
(3) Composting;
(4) Incineration with energy production;
(5) Incineration for volume reduction;
(6) Disposal in landfills.

(b) It is the policy of the State to encourage research into innovative solid waste management methods and products and to encourage regional solid waste management projects.

(c) It is the goal of this State to reduce the municipal solid waste ~~stream~~ stream, primarily through source reduction, reuse, recycling, and composting, on a per capita basis, on the following schedule:

(1) Twenty-five percent (25%) by 30 June 1993.
(2) Forty percent (40%) by 30 June 2001.

(c1) To measure progress toward the municipal solid waste reduction goals in a given year, comparison shall be made between the amount by weight of the municipal solid waste that, during the baseline year and the given year, is received at municipal solid waste management facilities and is:

(1) Disposed of in a landfill;
(2) Incinerated;
(3) Converted to tire-derived fuel; or
(4) Converted to refuse-derived fuel.

(c2) Comparison shall be between baseline and given years beginning on 1 July and ending on 30 June of the following year. The baseline year shall be the year beginning 1 July 1991 and ending 30 June 1992. However, a unit of local government may use an earlier baseline year if it demonstrates to the satisfaction of the Department that it has sufficient data to support the use of the earlier baseline year.

(c3) If a unit of local government is unable to meet the municipal solid waste reduction goal established in subdivision (2) of subsection (c) of this section and if the unit of local government demonstrates to the satisfaction of the Department that it has considered all reasonably available options to reduce its municipal solid waste stream through source reduction, reuse, recycling, and composting and that it has made a good faith effort and done everything technologically and economically feasible to meet the goal, for the purpose of calculating progress of the unit of local government toward the goal, ten percent (10%) of the amount by weight of the municipal solid waste stream that is converted to tire-derived fuel or refuse-derived fuel may be added to the amount that is diverted from the municipal solid waste stream through source reduction, reuse, recycling, and composting.

(d) In furtherance of the State's solid waste management policy, each State agency shall develop a solid waste management plan which is consistent with the solid waste management policy of the State.

(e) Each county, either individually or in cooperation with others, shall, in cooperation with its municipalities, develop a comprehensive county solid waste management plan and submit the plan to the Department for approval. County solid waste management plans shall be updated and submitted for approval at least once every two years. A county solid waste management plan shall be consistent with the State's comprehensive solid waste plan. In counties where a municipality operates the major solid waste disposal facility, the comprehensive solid waste plan may be prepared by the municipality, with the approval of the county and in cooperation with the other municipalities. Each county's comprehensive solid waste management plan shall include provisions which address the State's waste reduction goals. Each county's plan shall take into consideration facilities and other resources for management of solid waste which may be available through private enterprise. This section shall be construed to encourage the involvement and participation of private enterprise in solid waste management. The Department shall develop a form designed to elicit pertinent information regarding a county's solid waste management plan. The Department shall provide assistance in the preparation of county plans upon request.

(f) Any unit of local government that does not participate in a county solid waste management plan shall prepare a plan in accordance with the provisions of subsection (e) of this section."

Sec. 7. G.S. 130A-290(28a) reads as rewritten:

"(28a) 'Refuse-derived fuel' means ~~a form of~~ fuel ~~derived from a~~ that consists of municipal solid waste ~~by a processing system in~~ from which recyclable and noncombustible materials are removed ~~and~~ so that the remaining ~~combustible~~ material is ~~converted for use as a fuel.~~ used for energy production."

Sec. 8. Any contract for solid waste collection or disposal entered into by any county, city, or town that would have been lawful if this act had been in effect at the time the contract was entered into is validated. The provisions of this act that limit a contract

or franchise for the collection and disposal of solid waste to a period of not more than 30 years shall not be construed to invalidate any contract or franchise for a longer period up to 60 years that was entered into by any county, city, or town prior to the date this act is effective.

Sec. 9. G.S. 153A-136(c), as enacted by Section 1 of this act, and G.S. 160A-325(a), as enacted by Section 3 of this act, shall not apply to the selection or approval of a site for a new sanitary landfill if, prior to the effective date of this act:

(1) The site was selected or approved by the board of commissioners of a county or the governing board of a city;

(2) A public hearing on the selection or approval of the site has been held;

(3) A long-term contract was approved by the Department of Environment, Health, and Natural Resources under Part 4 of Article 15 of Chapter 153A of the General Statutes; or

(4) An application for a permit for a sanitary landfill to be located on the site has been submitted to the Department of Environment, Health, and Natural Resources.

Sec. 10. This act is effective upon ratification.

Without objection, on motion of Senator Plexico, the Conference Report is placed on the Calendar for tomorrow, July 21, for adoption.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES (Continued)

S.B. 721 (Committee Substitute), a bill to require registration of and financial and actuarial statements from companies offering motor vehicle service agreements and companies offering home appliance service agreements, for concurrence in the House Committee Substitute bill No. 3, which changes the title, upon concurrence, to read **S.B. 721** (House Committee Substitute No. 3), a bill to require registration of and financial statements from companies offering motor vehicle service agreements and companies offering home appliance service agreements, which is placed on the Calendar for tomorrow, July 21.

S.B. 863, a bill to appropriate funds for the standards laboratory and to establish a fee schedule for the standards laboratory, for concurrence in the House Committee Substitute bill with Amendments No. 2 and No. 3 not engrossed, which changes the title, upon concurrence, to read **S.B. 863** (House Committee Substitute), a bill to establish a fee schedule for the standards laboratory, which is placed on the Calendar for tomorrow, July 21.

S.B. 1014, a bill to revise the category of special mobile equipment, to establish a uniform registration fee for special mobile equipment, to allow special mobile equipment to tow certain vehicles, and to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 1014**, a bill to revise the category of special mobile equipment, to establish a uniform registration fee for special mobile equipment, and to allow special mobile equipment to tow certain vehicles, which is placed on the Calendar for tomorrow, July 21.

S.B. 1262 (Committee Substitute), a bill to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions, to levy a fee for filing an appeal to the Property Tax Commission, and to change the authority to appoint one member of the Property Tax Commission from the President of the Senate to the President *Pro Tempore* of the Senate, for concurrence in House Amendments No. 1 and No. 2, which proposes to change the title, upon concurrence, to read **S.B. 1262** (Committee Substitute), a bill to modify the procedure for property tax appeals before the

Property Tax Commission from appraisal and listing decisions, and to change the authority to appoint one member of the Property Tax Commission from the President of the Senate to the President *Pro Tempore* of the Senate, which is placed on the Calendar for tomorrow, July 21.

S.B. 1265, a bill to clarify the exclusion of nonpublic schools from the day care law, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 21.

S.B. 1229 (Committee Substitute No. 2), a bill to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina and providing for the distribution of the income from the sale of the plates, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 1229** (House Committee Substitute No. 2), a bill to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina, high school insignia plates, out-of-state collegiate insignia plates, and military retiree plates, and to provide for the distribution of the income from these plates.

On motion of Senator Kaplan, the rules are suspended, without objection, and the House Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill No. 2 (0-43) and the question becomes the appointment of conferees.

Senator Kaplan offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Murphy (Chairman), Kaplan, and Cochrane as conferees on the part of the Senate to resolve the difference arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Royall, seconded by Senator Ballance, the Senate adjourns at 9:14 P.M. to met tomorrow, July 21, at 1:30 P.M.

ONE HUNDRED THIRTY-SIXTH DAY

SENATE CHAMBER,
Tuesday, July 21, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, the Psalmist speaks eloquently to us, because so long ago he spoke for us when he wrote:

> We praise You, Lord, Who gives us counsel;
> Even in the night our consciences instruct us through You.
> We keep You always before us, because
> You are always near and we shall not be moved from our convictions.
> And so our hearts are glad and souls rejoice, because You will show us
> the path of life today. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, July 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Winner and Senator Ward.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders measures sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 732 (House Committee Substitute No. 2), an act to establish the Project Genesis Program, an experiment with a restructured school approach for the public schools. (Ch. 999)

S.B. 885 (Committee Substitute), an act to authorize the Department of Correction to charge a fee for drug testing as a condition of probation or parole. (Ch. 1000)

S.B. 1175, an act to allow certain counties to acquire property for use by the county boards of education and to authorize boards of education in certain counties to convey property to the county in connection with improvements and repair of the property. (Ch. 1001)

S.B. 1233, an act to further amend Chapter 745 of the 1989 Session Laws to increase the authorized project cost of a wholly self-liquidating project involving a lease between the University of North Carolina at Chapel Hill and the United States Environmental Protection Agency. (Ch. 1002)

S.B. 1259, an act to extend the grandfather clause application deadline to October 31, 1992. (Ch. 1003)

S.B. 1264 (House Committee Substitute), an act to amend the definition of inventories in the Machinery Act to include certain computer software. (Ch. 1004)

S.B. 1268, an act to amend the method of selecting members of the North Carolina Sheriffs' Education and Training Standards Commission appointed by the North Carolina Sheriffs' Association. (Ch. 1005)

H.B. 762 (Senate Committee Substitute), an act to modify the authority of Guilford and Haywood Counties and the municipalities in those counties to undertake local development activities. (Ch. 1006)

H.B. 1321 (Senate Committee Substitute), an act to make technical and clarifying changes to the revenue laws and related statutes. (Ch. 1007)

H.B. 1395 (Senate Committee Substitute), an act to establish an inter-agency task force to study the reorganization of State agencies involved with occupational safety and health and fire safety responsibilities and to file a report with the General Assembly. (Ch. 1008)

S.J.R. 1275, a joint resolution honoring the life and memory of the Honorable Joseph Branch, former Chief Justice of the North Carolina Supreme Court and State Legislator. (Res. 73)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1020
(House Committee Substitute)

House of Representatives
July 21, 1992

Mr. President:

Pursuant to your message that the Senate failed to concur in the House Committee Substitute to Senate Bill 1020 "A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE COMMITTEES AND COMMISSIONS, TO MAKE OTHER AMENDMENTS TO THE LAW AND TO MAKE APPROPRIATIONS THEREFOR", the Speaker has appointed Representatives Jack Hunt, Chair; Ramsey, Colton, Mavretic, R. Hunter, Cunningham, Barnes, Bowen, Flaherty and Rhyne as conferees on the part of the House to confer with a like committee appointed by your Honorable Body to the end that all the differences arising may be resolved.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 597
(House Committee Substitute)

House of Representatives
July 21, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted Conference Report # 2 of the Conferees on House Comm. Sub. to SB. No. 597, A BILL TO BE ENTITLED AN ACT TO CLARIFY SUBCONTRACTORS' LIENS AND DIRECT THE GENERAL STATUTES COMMISSION TO CONDUCT A STUDY OF STATUTORY LIENS OF MECHANICS, LABORERS AND MATERIALMEN AND MODEL PAYMENT AND PERFORMANCE BONDS AS SET FORTH IN ARTICLES 2 AND 3 OF CHAPTER 44A OF THE GENERAL STATUTES to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The title changes and the House Committee Substitute bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1159
(House Committee Substitute)

House of Representatives
July 21, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Comm. Sub. to SB. No. 1159, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT LONG-TERM CONTRACTS ENTERED INTO BY LOCAL GOVERNMENTS FOR THE COLLECTION OR DISPOSAL OF NONHAZARDOUS SOLID WASTE MUST BE APPROVED BY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND

NATURAL RESOURCES, TO ESTABLISH A UNIFORM MAXIMUM DURATION OF SUCH CONTRACTS, TO ALLOW ALL LOCAL GOVERNMENTS TO ENTER INTO SUCH CONTRACTS, AND TO PROVIDE FOR PARTIAL CREDIT TOWARD THE STATE NONHAZARDOUS MUNICIPAL SOLID WASTE REDUCTION GOAL FOR NONHAZARDOUS MUNICIPAL SOLID WASTE THAT IS CONVERTED INTO TIRE-DERIVED FUEL OR REFUSE-DERIVED FUEL to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1656
(Senate Committee Substitute)

House of Representatives
July 21, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Comm. Sub. to HB. No. 1656, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE TECHNICAL AMENDMENTS TO THE LAW and requests conferees. The Speaker has appointed Representatives Kennedy, Holt, Robinson, Barnes, Rhyne and Hardaway on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Additional special messages are received from the House of Representatives, transmitting the following bills, which are read the first time and disposed of, as follows:

H.B. 1358, a bill to waive the twelve-month durational requirement for resident tuition status for the children of employees domiciled in the State who are entitled to benefits under the Teachers' and State Employees' Retirement System.
Referred to **Higher Education Committee.**

H.B. 1685, a bill to provide that the immunity held by members of the General Assembly does not apply to infractions.
Referred to **Rules and Operation of the Senate Committee.**

H.B. 1408 (Committee Substitute No. 2), a bill to improve voter participation.
Referred to **Election Laws Committee.**

CALENDAR

S.B. 1159 (House Committee Substitute), a bill to repeal the requirement that long-term contracts entered into by local governments for the collection or disposal of

nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources, to establish a uniform maximum duration of such contracts, to allow all local governments to enter into such contracts, to provide for partial credit in certain cases toward the State nonhazardous municipal solid waste reduction goal for nonhazardous municipal solid waste that is converted to tire-derived fuel or refuse-derived fuel, and to require a public hearing and consideration of certain data prior to the selection or approval of a site for certain sanitary landfills by units of local government, Conference Report, submitted Monday, July 20, for adoption, and proposing to change the title.

On motion of Senator Plexico, the Senate adopts the Conference Report (43-0).

The title changes and the Chair orders the House Committee Substitute bill enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 57 (Committee Substitute), a bill to provide property tax deferral as an alternative form of property tax relief for the elderly and disabled, upon third reading.

Senator Daniel, offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes, 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—44.

Voting in the negative: Senator Simpson—1.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 1271 (Committee Substitute), a bill to provide that experienced electrical supervisors employed in the manufacturing industry may draw internal electrical wiring prints and supervise internal electrical wiring work without meeting the licensure requirements for engineers and land surveyors.

On motion of Senator Sands, the Committee Substitute bill is recommitted to the **Judiciary II Committee.**

S.B. 1154 (House Committee Substitute), a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 721 (House Committee Substitute No. 3), a bill to require registration of and financial statements from companies offering motor vehicle service agreements and companies offering home appliance service agreements, for concurrence in the House Committee Substitute bill No. 3, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 3 on second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—45.

Voting in the negative: None.

The House Committee Substitute bill No. 3 remains on the Calendar for tomorrow, July 22, for further consideration upon third reading.

S.B. 863 (House Committee Substitute), a bill to establish a fee schedule for the standards laboratory, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—44.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, July 22, for further consideration upon third reading.

S.B. 1014, a bill to revise the category of special mobile equipment, to establish a uniform registration fee for special mobile equipment, to allow special mobile equipment to tow certain vehicles, and to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax, for concurrence in House Amendment No. 1, upon second reading, and which proposes to change the title.

The Senate concurs in House Amendment No. 1 on second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Marvin, Murphy, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—43.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, July 22, for further consideration upon third reading.

S.B. 1262 (Committee Substitute), a bill to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions, to levy a fee for filing an appeal to the Property Tax Commission, and to change the authority to appoint one member of the Property Tax Commission from the President of the Senate to the President *Pro Tempore* of the Senate, for concurrence in House Amendments No. 1 and No. 2, upon second reading, and which proposes to change the title.

The Senate concurs in House Amendments No. 1 and No. 2 on second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, July 22, for further consideration upon third reading.

S.B. 31 (House Committee Substitute), a bill to amend Chapter 66 of the General Statutes regulating prepaid entertainment contracts and to enact the Membership Camping Act, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled.

S.B. 790 (House Committee Substitute), a bill to equalize per diem payments for occupational licensing board members, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled.

S.B. 1093 (House Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 fiscal year, to make other changes in the budget operation of the State, and to make technical corrections necessary to effect the budget operation of the State, for concurrence in the House Committee Substitute bill.

Senator Basnight offers a motion to the end the House Committee Substitute bill be recommitted to the **Appropriations Committee**, which motion prevails. The Chair refers the measure to the **Appropriations Committee**.

RE-REFERRALS

S.B. 1241 (Committee Substitute), a bill to authorize the Town of Mocksville to use its monies to fund a satellite campus of Davidson County Community College within Davie County or the Town of Mocksville and to authorize the Town to sell, lease, or otherwise transfer the property for use as a satellite community college for employment training and education, referred to the **Appropriations Committee** on June 9.

Senator Basnight offers a motion that the rules be suspended and the Committee Substitute bill taken from the **Appropriations Committee** and recommitted to the **Finance Committee**, which motion prevails.

The Chair orders the bill recommitted to the **Finance Committee**.

H.B. 1442 (Senate Committee Substitute), a bill to correct a reference to two maps of Surry County concerning fire districts, referred to the **Finance Committee** on July 16.

Senator Daniel offers a motion that the rules be suspended and the Senate Committee Substitute bill taken from the **Finance Committee** and recommitted to the **Local Government and Regional Affairs Committee**, which motion prevails.

The Chair orders the bill recommitted to the **Local Government and Regional Affairs Committee**.

CALENDAR (Continued)

S.B. 1265, a bill to clarify the exclusion of nonpublic schools from the day care law, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (46-0) and the measure is ordered enrolled.

CONFERENCE REPORT

H.B. 1323 (Committee Substitute)

Senator Daniel, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1323** (Committee

Substitute), a bill to replace the authority of counties to retain their costs in collecting the State's share of the deed stamp tax with the authority to retain a fixed percentage of the revenue from that tax, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1323, AN ACT TO REPLACE THE AUTHORITY OF COUNTIES TO RETAIN THEIR COSTS IN COLLECTING THE STATE'S SHARE OF THE DEED STAMP TAX WITH THE AUTHORITY TO RETAIN A FIXED PERCENTAGE OF THE REVENUE FROM THAT TAX, Third Edition Engrossed 6/18/92, as amended by Senate Amendment #1, report that the Senate recedes from Senate Amendment #1 and the House and Senate agree to the following amendments:

on page 1, lines 15 and 16, by deleting "three percent (3.0%)" and substituting "two percent (2%)";

and on page 2, line 17, by deleting "remitting" and substituting "collecting and remitting";

and on page 2, lines 1 and 2, by rewriting those lines to read:
"Sec. 2. This act is effective upon ratification and applies to taxes collected on or after July 1, 1992."

The conferees recommend that the Senate and the House of Representatives adopt this report.

July 16, 1992.

S/George Daniel	S/John R. Gamble, Jr.
S/Mary P. Seymour	S/Foyle Hightower, Jr.
S/William W. Staton	S/John Kerr
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

The Chair holds the Conference Report to be material and submission constitutes the first reading of the measure.
The Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 22, for adoption of the Conference Report, upon second reading.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee**:

S.B. 1167, a bill to control costs in the prescription drug coverage part of the Teachers' and State Employees' Comprehensive Major Medical Plan, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.
Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

Without objection, on motion of Senator Barnes, the Senate recesses at 2:40 P.M. for the purpose of committee meetings to reconvene at 3:05 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1323

House of Representatives
July 21, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees in the Senate amendment to HB. No. 1323 A BILL TO BE ENTITLED AN ACT TO REPLACE THE AUTHORITY OF COUNTIES TO RETAIN THEIR COSTS IN COLLECTING THE STATE'S SHARE OF THE DEED STAMP TAX WITH THE AUTHORITY TO RETAIN A FIXED PERCENTAGE OF THE REVENUE FROM THAT TAX to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Sands for the **Judiciary II Committee**:

H.B. 1490, a bill to create a new offense of third-degree trespass in Iredell County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 22, for further consideration.

On motion of Senator Barnes, seconded by Senator Johnson, the Senate adjourns at 3:34 P.M. to meet tomorrow, July 22, at 1:30 P.M.

ONE HUNDRED THIRTY-SEVENTH DAY

SENATE CHAMBER,
Wednesday, July 22, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, surely, it must be humorous to You watching some people spend their entire lives calculating the chronology of biblical history and prophesy in order to predict the end of time. Unfortunately, these soothsayers have duped a lot of people into looking upward and being passive rather than looking forward and doing the Kingdom's work.

"We admit that it would be encouraging if a prophet stood up today in the Senate and predicted the end time of this Session, but we, too, might fall into an overlooking mindset.

"Instead, let us find strength in Your words to us, 'Do not become tired of doing good, for if we do not give up, we will reap the harvest; let us encourage one another all the more as we see the day drawing near.' Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, July 21, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Winner, Senator Ward, and Senator Raynor.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders measures sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 31 (House Committee Substitute), an act to amend Chapter 66 of the General Statutes regulating prepaid entertainment contracts and to enact the Membership Camping Act. (Ch. 1009)

S.B. 597 (House Committee Substitute No. 2), an act to clarify subcontractors' liens and direct the General Statutes Commission to conduct a study of statutory liens of mechanics, laborers and materialmen and model payment and performance bonds as set forth in Articles 2 and 3 of Chapter 44A of the General Statutes and to provide attorneys' fees to prevailing parties in actions relating to statutory liens on real property and payment and performance bonds. (Ch. 1010)

S.B. 790 (House Committee Substitute), an act to equalize per diem payments for occupational licensing board members. (Ch. 1011)

S.B. 1154 (House Committee Substitute), an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects of the constituent institutions of the University of North Carolina. (Ch. 1012)

S.B. 1159 (House Committee Substitute), an act to repeal the requirement that long-term contracts entered into by local governments for the collection or disposal of

nonhazardous solid waste must be approved by the Department of Environment, Health, and Natural Resources, to establish a uniform maximum duration of such contracts, to allow all local governments to enter into such contracts, to provide for partial credit in certain cases toward the State nonhazardous municipal solid waste reduction goal for nonhazardous municipal solid waste that is converted to tire-derived fuel or refuse-derived fuel, and to require a public hearing and consideration of certain data prior to the selection or approval of a site for certain sanitary landfills by units of local government. (Ch. 1013)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Block for the **Pensions and Retirement Committee:**

H.B. 1503, a bill to resolve legal issues by making clear that the three-year window for the purchase of certain creditable service by members of the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, and the Consolidated Judicial Retirement System is and has been in full force and effect since enactment, with a favorable report.

On motion of Senator Block, the rules are suspended, and the bill is placed on today's Calendar in its regular order of business.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1032
(House Committee Substitute)

House of Representatives
July 21, 1992

Mr. President:

This is ordered that a message be sent to your Honorable Body that Representatives Fitch and Payne have been added to the Conferees on the House Comm. Sub. to SB 1032.

Respectfully,
S/Grace A. Collins
Principal Clerk

H.B. 1343 (House Committee Substitute), a bill to make appointments to various public offices upon the recommendation of the Speaker of the House of Representatives, and to amend certain statutes calling for various commissions to have one member from each of eleven congressional districts.

Referred to **Rules and Operation of the Senate Committee.**

H.J.R. 1684, a joint resolution providing for adjournment *sine die* of the General Assembly.

On motion of Senator Barnes, without objection, the joint resolution is placed before the Senate for immediate consideration, and is subsequently ordered temporarily displaced.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kaplan, Vice-Chairman, for the **Rules and Operation of the Senate Committee:**

S.B. 977, a bill to make appointments to public office upon the recommendation of the President *Pro Tempore* of the Senate and to correct an appointment, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kaplan, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Committee Substitute bill is placed on the Calendar for today in its regular order of business.

CALENDAR

Bills on the Calendar are taken up and disposed of, as follows:

H.B. 1323 (Committee Substitute), a bill to replace the authority of counties to retain their costs in collecting the State's share of the deed stamp tax with the authority to retain a fixed percentage of the revenue from that tax, Conference Report, submitted Tuesday, July 21, for adoption, upon second reading.

On motion of Senator Seymour, the Senate adopts the Conference Report on its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Johnson, Kaplan, Lee, Martin of Guilford, Marvin, Murphy, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—42.

Voting in the negative: None.

The Conference Report remains on the Calendar for tomorrow, July 23, for adoption upon third reading.

H.B. 1490 (Senate Committee Substitute), a bill to create a new offense of third-degree trespass in Iredell County.

On motion of Senator Sands, the Senate Committee Substitute bill is recommitted to the **Local Government and Regional Affairs Committee.**

S.B. 977 (Committee Substitute), a bill to make appointments to public office upon the recommendation of the President *Pro Tempore* of the Senate and to correct an appointment.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special messenger.

H.B. 1503, a bill to resolve legal issues by making clear that the three-year window for the purchase of certain creditable service by members of the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, and the Consolidated Judicial Retirement System is and has been in full force and effect since enactment.

Without unanimous consent, on motion of Senator Block, courtesies of the floor are granted to staff from the North Carolina Attorney General's Office to assist in the explanation of the measure.

The bill passes its second (44-0) and third readings and is ordered enrolled.

S.B. 721 (House Committee Substitute No. 3), a bill to require registration of and financial statements from companies offering motor vehicle service agreements and companies offering home appliance service agreements, for concurrence in the House Committee Substitute No. 3, upon third reading.

The Senate concurs in the House Committee Substitute bill No. 3 on its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—45.

Voting in the negative: None.

The House Committee Substitute bill No. 3 is ordered enrolled.

S.B. 863 (House Committee Substitute), a bill to establish a fee schedule for the standards laboratory, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1014, a bill to revise the category of special mobile equipment, to establish a uniform registration fee for special mobile equipment, to allow special mobile equipment to tow certain vehicles, and to make mobile classrooms and mobile offices subject to sales tax rather than highway use tax, for concurrence in House Amendment No. 1, upon third reading, and which proposes to change the title.

The Senate concurs in House Amendment No. 1 on third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—46.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 1262 (Committee Substitute), a bill to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions, to levy a fee for filing an appeal to the Property Tax Commission, and to change the authority to appoint one member of the Property Tax Commission from the President of the Senate to the President *Pro Tempore* of the Senate, for concurrence in House Amendments No. 1 and No. 2, upon third reading, and which proposes to change the title.

The Senate concurs in House Amendments No. 1 and No. 2 on third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Goldston, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—46.

Voting in the negative: None.

The title changes and the Committee Substitute bill is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee**:

S.B. 1241, a bill to authorize the issuance of general obligation bonds of the State, subject to a vote of the qualified voters of the State, to provide funds, with any other available funds, for improvements for community colleges, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Committee Substitute bill which changes the title to read **S.B. 1241** (Committee Substitute), a bill to authorize the Town of Mocksville to use its monies to fund a satellite campus of Davidson County Community College within Davie County or the Town of Mocksville and to authorize the Town to sell, lease, or otherwise transfer the property for use as a satellite community college for employment training and education, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Committee Substitute bill is adopted, changing the measure from a public bill to a local bill.

The Chair rules the Committee Substitute bill does not require a call of the roll.

On motion of Senator Smith, the Committee Substitute bill remains before the Senate for further consideration upon its passage.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

By Senator Lee for the **Local Government and Regional Affairs Committee**:

H.B. 1442, a bill to extend the limits of the Fleetwood and the Lansing Fire Protection Districts in Ashe County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Lee, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 1442** (Senate Committee Substitute), a bill to correct a reference to two maps of Surry County concerning fire districts, is placed before the Senate for immediate consideration.

On motion of Senator Lee, the Senate Committee Substitute bill is adopted.

The Chair rules the Senate Committee Substitute bill does not require a call of the roll.

On motion of Senator Sands, the Senate Committee Substitute bill remains before the Senate for further consideration upon its passage.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

CALENDAR (Continued)

S.B. 863 (House Committee Substitute), a bill to establish a fee schedule for the standards laboratory, ordered enrolled earlier today.

Senator Odom offers a motion to recall the House Committee Substitute bill to the Senate Chamber for further consideration, which motion prevails with unanimous consent. The Chair rescinds the order to enroll and places the measure before the Senate.

Senator Odom offers a motion that the vote by which the motion to concur in the House Committee Substitute bill prevailed be reconsidered, which motion prevails, and the question becomes concurrence of the measure upon third reading.

On motion of Senator Odom, without objection, the House Committee Substitute bill is placed on the Calendar for tomorrow, July 23, for concurrence upon third reading.

RECALL FROM ENROLLING OFFICE

S.B. 1265, a bill to clarify the exclusion of nonpublic schools from the day care law, ordered enrolled yesterday, July 21.

Senator Daniel offers a motion the bill be recalled from the Enrolling Office for further consideration, which motion prevails. The Enrolling Clerk returns the measure to the Senate Chamber and the Chair places it before the Senate.

Senator Daniel offers a motion that the vote by which the motion to concur in House Amendment No. 1 prevailed be reconsidered, which motion prevails, and the question becomes concurrence in House Amendment No. 1.

The Senate fails to concur in House Amendment No. 1 (2-44) and the question becomes the appointment of conferees.

Senator Daniel offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* takes the appointment of conferees under advisement.

RE-REFERRAL

H.B. 1337, a bill to amend the motor vehicle laws concerning cotton-hauling vehicles, referred to the **Transportation Committee** on June 18.

Senator Goldston offers a motion the rules be suspended and the bill be taken from the **Transportation Committee** and re-referred to the **Finance Committee**, which motion prevails.

The Chair orders the bill re-referred to the **Finance Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Hunt for the **Election Laws Committee**:

H.B. 1408 (Committee Substitute No. 2), a bill to improve voter participation, with a favorable report.

The President recognizes the following pages serving in the Senate this week: Douglas Browne, Raleigh; Austin McNeil Chestnut, Raleigh; Lea Marie Dunn, Raleigh; Kristy Dunston, Raleigh; Andrea N. Faircloth, Angier; Jennifer H. Foster, Raleigh; Jocelyn Fuller, Raleigh; Julie Fullee, Raleigh; Clinton W.H. Hodge, Knightdale; Ansley K. Holland, Smithfield; Parry W. Holland, Smithfield; Angela Hough, Middlesex; Greg Key, Raleigh; Jonathan M. King, Raleigh; Natalie L. King, Raleigh; Bryan P. Pruitt, Raleigh; Michael Resar, Raleigh; Andrew L. Robinson, Graham; Deedee M. Rouse, Greenville; Sabrina Sorenson, Charlotte; Charles E. Stauffer, Davidson; John P. Tanner, Raleigh; Ethan Tecklenburg, Raleigh; Shannon A. Tennant, Raleigh; David Drake Thompson, Henderson; Jermy E. Wafer, Raleigh; Bryan D. Waters, Raleigh; Siti S. Yarborough, Youngsville.

Without objection, on motion of Senator Barnes, the Senate recesses at 2:32 P.M. to reconvene at 4:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

With no business to place before the Senate, without objection, on motion of Senator Basnight, the Senate recesses at 4:05 P.M. for the purpose of committee meetings to reconvene at 5:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

With unanimous consent, the Chair grants a leave of absence for the remainder of today's session to Senator Marvin, who is taking her husband home from the hospital.

REPORT OF COMMITTEE

A standing committee report is submitted, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Basnight for the **Appropriations Committee**:

H.B. 1568 (Senate Committee Substitute), a bill to clarify the accounting treatment of certain fees and to correct cross references to the Current Operations Appropriations Act, with a favorable report.

S.B. 288 (Committee Substitute), a bill to modify the benefit restrictions for reemployed retirees in the Local Governmental Employees' Retirement System and in the Teachers' and State Employees' Retirement System and in the Consolidated Judicial Retirement System, with a favorable report, as amended.

S.B. 1205, a bill to appropriate funds for North Carolina Head Start capital improvements, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1205** (Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 Fiscal Year, to make other changes in the budget operation of the State, and to make technical corrections necessary to effect the budget operation of the State, is placed before the Senate for immediate consideration.

On motion of Senator Basnight, the Committee Substitute bill is adopted, and on his further motion remains before the Senate for further consideration upon its passage.

Senator Royall offers Amendment No. 1 which is adopted (42-0).

Senator Richardson offers Amendment No. 2 which is adopted (36-3).

Senator Martin of Pitt offers Amendment No. 3 which is adopted (39-0).

Senator Parnell offers Amendment No. 4 which is adopted (42-0).

Senator Kaplan offers Amendment No. 5 which he subsequently withdraws.

Senator Plexico offers Amendment No. 6, which the Chair holds not to be material. Amendment No. 6, offered by Senator Plexico, is adopted (40-2).

Senator Basnight offers Amendment No. 7 which is adopted (41-0).

Senator Kaplan offers Amendment No. 8 which is adopted (38-3).

Senator Lee offers Amendment No. 9 which is adopted (40-0).

Senator Basnight offers Amendment No. 10 which is adopted (39-0) and which is required to be engrossed preceding Amendment No. 1.

The Committee Substitute bill, as amended, passes its second (38-2) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

CONFEREES DISMISSED

S.B. 1113 (House Committee Substitute), a bill to authorize the construction and financing of a capital improvements project at North Carolina State University at Raleigh, with conferees appointed on July 20.

With unanimous consent, on motion of Senator Daniel, the President *Pro Tempore* dismisses the conferees.

Senator Daniel offers a motion that the vote by which the motion to concur in the House Committee Substitute bill failed to prevail be reconsidered, which motion prevails, and the question becomes concurrence in the House Committee Substitute bill upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Basnight, Bryan, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Daughtry, Forrester, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren—41.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, July 23, for further consideration upon third reading.

WITHDRAWAL FROM CALENDAR

S.B. 863 (House Committee Substitute), a bill to establish a fee schedule for the standards laboratory, placed on the Calendar for tomorrow, July 23, earlier today, for concurrence upon third reading.

Senator Odom offers a motion the Senate reconsider and the House Committee Substitute bill be taken from the Calendar for tomorrow, July 23, and placed before the Senate for further consideration, which motion prevails, with unanimous consent.

The Chair orders the measure placed before the Senate and the question becomes concurrence upon third reading.

The Senate concurs in the House Committee Substitute bill on third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barnes, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Seymour, Shaw, Sherron, Simpson, Smith, Soles, Speed, Staton, Tally, Walker, and Warren-39.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 999, a bill to provide for a member of the Teachers' and State Employees' Retirement System to purchase time lost due to interrupted service for maternity and parental leave or involuntary administrative furlough, which proposes to change the title.

Pursuant to the message from the House of Representatives received July 20, requesting conferees and the motion offered by Senator Perdue that the Senate do appoint conferees prevailing on July 20, the President *Pro Tempore* appoints Senators Perdue (Chairman), Parnell, Hunt, and Blackmon, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 1265, a bill to clarify the exclusion of nonpublic schools from the day care law.

The motion of Senator Daniel, prevailing earlier today that the Senate do appoint conferees, the President *Pro Tempore* appoints Senators Daniel (Chairman), Conder, Warren, Walker, and Carter as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

With a bill remaining on the Calendar, on motion of Senator Royall, seconded by Senator Lee, the Senate adjourns at 7:15 P.M. to meet tomorrow, July 23, at 11:00 A.M.

ONE HUNDRED THIRTY-EIGHTH DAY

SENATE CHAMBER,
Thursday, July 23, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, men and women who seek and are chosen to serve the people live under the most intense scrutiny. That goes with the calling.

"We confess that there are days when we would prefer to be cloistered away some where praying for the welfare of the people rather than trying to hammer out details by which their well-being may be lived out. But the task of Your servants here is to try to do both surrounded by a 'cloud of witnesses.'

"During these times we resonate with the apostles' words, 'For God's sake, I am content with insults, hardships, persecutions and calamities.' He was able to make that statement with such conviction because of Your Promise to us when You said: 'My Grace is all you need for My Power is strongest when you are vulnerable.' Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, July 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Seymour, who is attending the National Conference of State Legislatures in Cincinnati; Senator Goldston, who has personal business and requests no per diem; Senator Daughtry, who has a doctor's appointment; and to Senator Marvin, Senator Winner, Senator Ward, and Senator Blackmon.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders measures sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 721 (House Committee Substitute No. 3), an act to require registration of and financial statements from companies offering motor vehicle service agreements and companies offering home appliance service agreements. (Ch. 1014)

S.B. 1014, an act to revise the category of special mobile equipment, to establish a uniform registration fee for special mobile equipment, and to allow special mobile equipment to tow certain vehicles. (Ch. 1015)

S.B. 1262 (Committee Substitute), an act to modify the procedure for property tax appeals before the Property Tax Commission from appraisal and listing decisions, and to change the authority to appoint one member of the Property Tax Commission from the President of the Senate to the President *Pro Tempore* of the Senate. (Ch. 1016)

H.B. 1503, an act to resolve legal issues by making clear that the three-year window for the purchase of certain creditable service by members of the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, and the Consolidated Judicial Retirement System is and has been in full force and effect since enactment. (Ch. 1017)

S.B. 863 (House Committee Substitute), an act to establish a fee schedule for the standards laboratory. (Ch. 1018)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1229
(House Committee Substitute No. 2)

House of Representatives
July 23, 1992

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. # 2 to SB. No. 1229, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE REGISTRATION PLATES DEPICTING VARIOUS HISTORICAL ATTRACTIONS IN NORTH CAROLINA, HIGH SCHOOL INSIGNIA PLATES, OUT-OF-STATE COLLEGIATE INSIGNIA PLATES, AND MILITARY RETIREE PLATES, AND TO PROVIDE FOR THE DISTRIBUTION OF THE INCOME FROM THESE PLATES the Speaker has appointed as conferees on the part of the House, Representatives McLaughlin, Holt, Hasty, Creech, Bowie and McAllister to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1265

House of Representatives
July 23, 1992

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to SB. No. 1265, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXCLUSION OF NONPUBLIC SCHOOLS FROM THE DAY CARE LAW the Speaker has appointed as conferees on the part of the House, Representatives Holt, Bowie, Jones and Hensley to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 999

House of Representatives
July 24, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees to HB. No. 999 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO PURCHASE TIME LOST DUE TO INTERRUPTED SERVICE FOR MATERNITY LEAVE to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

CONFERENCE REPORT

S.B. 1265

Senator Daniel, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1265**, a bill to clarify the exclusion of nonpublic schools from the day care law, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 1265, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXCLUSION OF NONPUBLIC SCHOOLS FROM THE DAY CARE LAW, wish to report as follows:

The House recedes from its Amendment #1 and substitutes the attached amendment: Amend the bill on page 1, lines 13 through 18 by rewriting those lines to read: "schools; nonpublic schools ~~whether or not accredited by the State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age;~~ described in Part 2 of Article 39 of Chapter 115C of the General Statutes and accredited by the Southern Association of Colleges and Schools, which regularly provide a course of grade school instruction and which do not provide child day care as defined in subdivision (2) of this section or operate a child day care facility as defined herein for children under five years of age for more than six and one-half hours per day either on or off the school site; summer camps having".
The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July, 1992.

S/George B. Daniel
S/Russell Walker
S/J. Richard Conder
S/John D. Carter
S/Ed Warren

Conferees on the part of the Senate

S/Bertha Holt
S/Walter B. Jones, Jr.
S/Joanne W. Bowie
S/R. J. Hensley, Jr.

Conferees on the part of the House of Representatives

On motion of Senator Daniel, the Conference Report is adopted (36-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

A resolution on the Calendar carried forward as unfinished business from Wednesday, July 22, is taken up and disposed of, as follows:

H.J.R. 1684, a joint resolution providing for adjournment *sine die* of the General Assembly.

On motion of Senator Barnes, the joint resolution is referred to the **Rules and Operation of the Senate Committee.**

Bills on the Calendar for today are taken up and disposed of, as follows:

H.B. 1323 (Committee Substitute), a bill to replace the authority of counties to retain their costs in collecting the State's share of the deed stamp tax with the authority to retain a fixed percentage of the revenue from that tax, Conference Report, submitted July 21, for adoption, upon third reading.

On motion of Senator Daniel, the Senate adopts the Conference report on third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Hartsell, Hunt, Hyde, Johnson, Kaplan, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Raynor, Richardson, Royall, Sands, Shaw, Simpson, Soles, Speed, Staton, Tally, Walker, and Warren—37.

Voting in the negative: None.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1568 (Senate Committee Substitute), a bill to clarify the accounting treatment of certain fees and to correct cross references to the Current Operations Appropriations Act, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Carpenter, Carter, Cochrane, Conder, Cooper, Daniel, Forrester, Hartsell, Hunt, Johnson, Lee, Martin of Pitt, Martin of Guilford, Murphy, Odom, Parnell, Perdue, Plexico, Plyler, Pollard, Raynor, Richardson, Royall, Sands, Shaw, Simpson, Soles, Speed, Staton, Tally, Walker, and Warren—36.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, July 24, for further consideration upon third reading.

S.B. 288 (Committee Substitute), a bill to modify the benefit restrictions for reemployed retirees in the Local Governmental Employees' Retirement System and in the Teachers' and State Employees' Retirement System and in the Consolidated Judicial Retirement System.

Without objection, on motion of Senator Block the Committee Substitute bill is temporarily displaced.

CONFERENCE REPORTS

S.B. 1032 (House Committee Substitute)

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1032** (House Committee

Substitute), a bill to prohibit discrimination against any person for engaging in the lawful use of any lawful product during nonworking hours unrelated to employment, which proposes to change the title from **S.B. 1032** (Committee Substitute), a bill to prohibit discrimination against any employee for engaging in the lawful use of any lawful product or political activity during nonworking hours unrelated to employment, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 1032, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCRIMINATION AGAINST ANY PERSON FOR ENGAGING IN THE LAWFUL USE OF ANY LAWFUL PRODUCT DURING NON-WORKING HOURS UNRELATED TO EMPLOYMENT, Fifth Edition Engrossed 7/15/92,

wish to report as follows: The Senate concurs in the Fifth Edition Engrossed, 7/15/92, and the House and the Senate agree to the following amendments:

on page 1, line 10, by rewriting that line to read:
"(a) As used in this section, 'employer' means the State and all political subdivisions of the State, public and quasi-public corporations, boards, bureaus, commissions, councils, and private employers with three or more regularly employed employees. (b) It is an unlawful employment practice for an employer to fail or refuse to hire";

and on page 1, lines 14-18, by rewriting those lines to read:
"use of lawful products if the activity occurs off the premises of the employer during non-working hours and does not adversely affect the employee's job performance or the person's ability to properly fulfill the responsibilities of the position in question or the safety of other employees.";

and on page 1, lines 19-21, by rewriting those lines to read:
"(c) It is not a violation of this section for an employer to do any of the following:

(1) Restrict the lawful use of lawful products by employees during nonworking hours if the restriction relates to a bona fide occupational requirement and is reasonably related to the employment activities. If the restriction reasonably relates to only a particular employee or group of employees, then the restriction may only lawfully apply to them.
(2) Restrict the lawful use of lawful products by employees during nonworking hours if the restriction relates to the fundamental objectives of the organization.";

and on page 2, line 1, by rewriting that line to read:
"(3) Discharge, discipline, or take any action against";

and on page 2, lines 5-6, by inserting between those lines a new subsection to read:
"(d) This section shall not prohibit an employer from offering, imposing, or having in effect a health, disability, or life insurance policy distinguishing between employees for the type or price of coverage based on the use or nonuse of lawful products if each of the following is met:

(1) Differential rates assessed employees reflect actuarially justified differences in the provision of employee benefits.
(2) The employer provides written notice to employees setting forth the differential rates imposed by insurance carriers.
(3) The employer contributes an equal amount to the insurance carrier on behalf of each employee of the employer.";

and on page 2, line 6, by deleting "(c)" and substituting "(e)";

and on page 2, line 8, by rewriting that line to read:
"bring a civil action within one year from the date of the alleged violation against the employer who violates the provisions of subsection (b) of this section";

and on page 2, lines 16-18, by rewriting those lines to read:
"fees, to the prevailing party in an action brought pursuant to this section.'"

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 22nd day of July, 1992.

S/A. P. Sands
S/J. Richard Conder
S/Fletcher L. Hartsell, Jr.

Conferees on the part of the Senate

S/Annie Brown Kennedy
S/Anne C. Barnes
S/Ed Bowen
S/Joanne W. Bowie
S/Pete Cunningham
S/Milton F. Fitch, Jr.
S/Bertha Merrill Holt
S/H. M. Michaux
S/Harry E. Payne
S/Coy Privette
S/David Redwine
S/Carolyn B. Russell

Conferees on the part of the House of Representatives

On motion of Senator Sands, the Conference Report is adopted (39-1) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1386 (Senate Committee Substitute)

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives **H.B. 1386** (Senate Committee Substitute), a bill to permit the Commissioner of Labor to impose penalties against public agencies for OSHA violations and to hold a fine against units of local government in abeyance pending abatement of the violation, which proposes to change the title, submits the following report, which proposes to further change the title, upon adoption, to read **H.B. 1386** (Senate Committee Substitute), an act to permit the Commissioner of Labor to impose penalties against public agencies for OSHA violations and to require local governmental units to report OSHA citations to their governing boards.

To the President of the Senate and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1386, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COMMISSIONER OF LABOR TO IMPOSE PENALTIES AGAINST PUBLIC AGENCIES FOR OSHA VIOLATIONS AND TO HOLD A FINE AGAINST UNITS OF LOCAL GOVERNMENT IN ABEYANCE PENDING ABATEMENT OF THE VIOLATION, Third Edition Engrossed, wish to report as follows:

The House concurs in the Third Edition Engrossed with the following three amendments:

(1) on page 1, lines 2 - 5, by rewriting said lines to read:
"AN ACT TO PERMIT THE COMMISSIONER OF LABOR TO IMPOSE PENALTIES AGAINST PUBLIC AGENCIES FOR OSHA VIOLATIONS AND TO

REQUIRE LOCAL GOVERNMENTAL UNITS TO REPORT OSHA CITATIONS TO THEIR GOVERNING BOARDS."

(2) on page 3, lines 4 - 16 by rewriting said lines to read:
"Sec. 3. G.S. 95-137(b) is amended by adding a new subdivision to read:
'(6) Each local unit of government shall report each violation for which it is issued a citation to its local governing board at its next public meeting and to its workers compensation insurance carrier or to the risk pool of which it is a member pursuant to Article 23 of Chapter 58 of the General Statutes.'";

(3) on page 3, lines 17 - 18 by rewriting said lines to read:
"Sec. 4. This act is effective upon ratification and applies to violations occurring on or after that date, except that fines levied pursuant to G.S. 95-138 against units of local government shall be assessed only for violation occurring on or after January 1, 1993." and the Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 23rd day of July, 1992.

S/A. P. Sands
S/Frank W. Ballance, Jr.
S/Roy Cooper
S/Aaron W. Plyler
S/Paul S. Smith

Conferees on the part of the Senate

S/Milton F. Fitch
S/Anne C. Barnes
S/Pete Cunningham
S/Julia Howard
S/Sam Hunt
S/Howard Hunter
S/John B. McLaughlin
S/Harry E. Payne, Jr.
George Robinson

Conferees on the part of the House of Representatives

On motion of Senator Sands, the Conference Report is adopted (38-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1394 (Senate Committee Substitute)

Senator Sands, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1394** (Senate Committee Substitute), a bill to protect employees from retaliatory discrimination in employment for engaging in protected activities, submits the following report:

To the President of the Senate and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1394, A BILL TO BE ENTITLED AN ACT TO PROTECT EMPLOYEES FROM RETALIATORY DISCRIMINATION IN EMPLOYMENT FOR ENGAGING IN PROTECTED ACTIVITIES, Senate Judiciary II Committee Substitute adopted 7/9/92 (Fourth Edition), wish to report as follows:

The House concurs in the Senate Judiciary II Committee Substitute (Fourth Edition) with the following two amendments.

(1) on page 2, lines 22-23, by deleting the phrase "Within a reasonable time" and substituting the phrase "Within 20 days";

(2) on page 5, lines 41-43 by rewriting said lines to read:
"Sec. 4. G.S. 97-6.1 is repealed."
and the Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 23rd day of July, 1992.

S/A. P. Sands
S/Frank W. Ballance, Jr.
S/Roy Cooper
S/Aaron W. Plyler
S/Paul S. Smith

Conferees on the part of the Senate

S/Milton F. Fitch, Jr.
S/Anne C. Barnes
S/Pete Cunningham
S/Julia Howard
S/Sam Hunt
S/Howard Hunter
S/John B. McLaughlin
S/Harry E. Payne, Jr.
George Robinson

Conferees on the part of the House of Representatives

On motion of Senator Sands, the Conference Report is adopted (40-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1656 (Senate Committee Substitute), a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission and to make technical amendments to the law, which proposes to change the title.

Pursuant to the message from the House of Representatives received on July 21, requesting conferees, Senator Soles offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Soles (Chairman), Hyde, Martin of Pitt, and Simpson, as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Without objection, on motion of Senator Barnes, the Senate recesses at 11:40 A.M. to reconvene at 2:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

With no business placed before the Senate, without objection, on motion of Senator Barnes, the Senate recesses at 2:15 P.M. to reconvene at 3:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

With no business placed before the Senate, without objection, on motion of Senator Barnes, the Senate recesses at 3:40 P.M. for the purpose of committee meetings to reconvene at 4:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

S.B. 1205 (House Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 Fiscal Year, to make other changes in the budget operation of the State, and to make technical corrections necessary to effect the budget operation of the State, for concurrence in the House Committee Substitute bill with House Amendment No. 1 not engrossed.

On motion of Senator Barnes, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill (0-37) and the question becomes the appointment of conferees.

Senator Basnight offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Basnight (Chairman), Daniel, and Shaw as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

S.B. 1032
(House Committee Substitute)

House of Representatives
July 23, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the conferees on House Comm. Sub. to SB. No. 1032, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCRIMINATION AGAINST ANY PERSON FOR ENGAGING IN THE LAWFUL USE OF ANY LAWFUL PRODUCT DURING NONWORKING HOURS UNRELATED TO EMPLOYMENT to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1265

House of Representatives
July 23, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Amendment to SB. No. 1265,

A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXCLUSION OF NON-PUBLIC SCHOOLS FROM THE DAY CARE LAW to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1386
(Senate Committee Substitute)

House of Representatives
July 23, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Comm. Sub. to HB. No. 1386 A BILL TO BE ENTITLED AN ACT TO PERMIT THE COMMISSIONER OF LABOR TO IMPOSE PENALTIES AGAINST PUBLIC AGENCIES FOR OSHA VIOLATIONS AND TO HOLD A FINE AGAINST UNITS OF LOCAL GOVERNMENT IN ABEYANCE PENDING ABATEMENT OF THE VIOLATION to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1394
(Senate Committee Substitute)

House of Representatives
July 23, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Comm. Sub. to HB. No. 1394 A BILL TO BE ENTITLED AN ACT TO PROTECT EMPLOYEES FROM RETALIATORY DISCRIMINATION IN EMPLOYMENT FOR ENGAGING IN PROTECTED ACTIVITIES to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Daniel for the **Finance Committee**:

H.B. 561 (Committee Substitute No. 2), a bill to provide for the minimum standards, duties, and responsibilities of company police officers and company police agencies, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion is adopted.

With unanimous consent, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, July 24, for further consideration.

H.B. 1337, a bill to amend the motor vehicle laws concerning cotton-hauling vehicles, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Daniel, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 1337** (Senate Committee Substitute), a bill to amend the motor vehicle laws to provide for one-half the normal weight penalty for vehicles hauling recyclable materials, is placed before the Senate for immediate consideration.

On motion of Senator Daniel, the Senate Committee Substitute bill is adopted, and on his further motion remains before the Senate for immediate consideration upon its passage.

The Senate Committee Substitute bill passes its second (37-4) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

By Senator Perdue for the **Higher Education Committee**:

H.B. 1358, a bill to waive the twelve-month durational requirement for resident tuition status for the children of employees domiciled in the State who are entitled to benefits under the Teachers' and State Employees' Retirement System, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations Committee**.

Without objection, on the motion of Senator Barnes, the Senate recesses at 5:40 P.M. to reconvene at 7:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Senator Daughtry is noted present for a portion of today's Session.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 379 (Senate Committee Substitute), a bill to increase the fine for persons convicted of driving more than fifteen miles per hour over the speed limit, to change the standard of proof in hearings and rehearings for involuntary commitment of persons found not guilty by reason of insanity, and to authorize a judicial official in a noncapital case to conduct certain pretrial proceedings by a two-way audio and video transmission, which proposes to change the title.

Pursuant to the message from the House of Representatives received on July 20, requesting conferees, Senator Sands offers a motion that the Senate do appoint conferees, which motion prevails.

The President *Pro Tempore* appoints Senators Odom (Chairman), Cooper, and Sands as conferees on the part of the Senate to act with a like committee from the House of Representatives to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

H.B. 1656

Senator Soles for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1656** (Senate Committee Substitute), a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission and to make technical amendments to the law, which proposes to change the title, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1656, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE TECHNICAL AMENDMENTS TO THE LAW, Senate Judiciary I Committee Substitute Third Edition engrossed 7/15/92 wish to report as follows:

The House concurs in the Senate Judiciary I Committee Substitute, Third Edition engrossed 7/15/92 with the following amendment:

on page 29, lines 25 through 44, and on page 30, lines 1 through 3, by rewriting those lines to read:

"Sec. 51.16. The General Statutes Commission will study the requirements of G.S. 47-30(m) and G.S. 89C-26 to determine whether it is possible to provide for a photographic copy of a map to be attached to a deed or other instrument without requiring an original personal signature and original seal as approved by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, while still protecting the public and assuring that maps have not been altered prior to submission for recording. The General Statutes Commission shall report its findings and recommendations to the 1993 General Assembly and shall submit its report not later than January 31, 1993 to the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives."

The Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July, 1992.

S/R.C. Soles, Jr.
S/Herbert L. Hyde
S/R. L. Martin
Dan R. Simpson

Conferees on the part of the Senate

S/Annie B. Kennedy
S/Bertha M. Holt
George S. Robinson
S/Anne C. Barnes
S/J. L. Rhyne
S/Thomas C. Hardaway

Conferees on the part of the House of Representatives

The Chair orders, without objection, the Conference Report temporarily displaced.

REPORT OF COMMITTEE

A bill is reported from a standing committee, out of the regular order of business, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Sands for the **Judiciary II Committee:**

H.B. 47 (Senate Committee Substitute), a bill to create safer schools by supporting the efforts of teachers to control their classes and requiring parents to assist in disciplining their children at school; and by making it unlawful for a parent to allow a minor child to possess a firearm on school property, for a person to keep a firearm where a minor may obtain it and carry it on school property, and for a person to dispose of a firearm to a minor, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill No. 2 which further changes the title, upon concurrence, to read **H.B. 47** (Senate Committee Substitute No. 2), a bill to make it unlawful for a parent to allow a minor child to possess or carry a weapon on school property, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Senate Committee Substitute bill No. 2 is adopted, and on his further motion is recommitted to the **Education Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1205
(House Committee Substitute)

House of Representatives
July 23, 1992

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Comm. Sub. to SB. No. 1205, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CAPITAL IMPROVEMENTS APPROPRIATIONS FOR NORTH CAROLINA FOR THE 1992-93 FISCAL YEAR, TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, AND TO MAKE TECHNICAL CORRECTIONS NECESSARY TO EFFECT THE BUDGET OPERATION OF THE STATE the Speaker has appointed as conferees on the part of the House, Representatives Diamont and Nesbitt, Co-chairs; Bowman, N. J. Crawford, Easterling, Nye, Anderson, Redwine, Ethridge, H. Hunter, Fussell, Payne, Holt, McLaughlin, Hackney, Miller, Esposito, Rhyne, Colton and Jeralds to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 1229
(House Committee Substitute No. 2)

House of Representatives
July 23, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Comm. Sub. # 2 to

SB. No. 1229, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE REGISTRATION PLATES DEPICTING VARIOUS HISTORICAL ATTRACTIONS IN NORTH CAROLINA, TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE OUT-OF-STATE COLLEGIATE INSIGNIA PLATES AND MILITARY RETIREE PLATES, AND TO PROVIDE FOR THE DISTRIBUTION OF THE INCOME FROM THESE PLATES to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

H.B. 1656
(Senate Committee Substitute)

House of Representatives
July 23, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Comm. Sub. to HB. No. 1656, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE TECHNICAL AMENDMENTS TO THE LAW to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

APPOINTMENT OF ADDITIONAL CONFEREES

S.B. 1205 (House Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 Fiscal Year, to make other changes in the budget operation of the State, and to make technical corrections necessary to effect the budget operation of the State.

To the Conference Committee appointed earlier today, the President *Pro Tempore* appoints Senators Royall and Murphy, as additional conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

H.B. 1656 (Senate Committee Substitute), a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission and to make technical amendments to the law, which proposes to change the title, Conference Report, for adoption, submitted earlier today and temporarily displaced.

On motion of Senator Soles, the Senate adopts the Conference Report (27-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORTS

S.B. 1229 (House Committee Substitute No. 2)

Senator Murphy, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1229** (House Committee Substitute No. 2), a bill to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina, high school insignia plates, out-of-state collegiate insignia plates, and military retiree plates, and to provide for the distribution of the income from these plates, received July 20, from the House of Representatives, and which proposes to change the title, submits the following report, which proposes to further change the title, upon adoption, to read **S.B. 1229** (House Committee Substitute No. 2), a bill to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina, to authorize the Division of Motor Vehicles to issue out-of-state collegiate insignia plates and military retiree plates, and to provide for the distribution of the income from these plates.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on

Senate Bill 1229, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE REGISTRATION PLATES DEPICTING VARIOUS HISTORICAL ATTRACTIONS IN NORTH CAROLINA, HIGH SCHOOL INSIGNIA PLATES, OUT-OF-STATE COLLEGIATE INSIGNIA PLATES, AND MILITARY RETIREE PLATES, AND TO PROVIDE FOR THE DISTRIBUTION OF THE INCOME FROM THESE PLATES, Ninth Edition Engrossed 7/17/92,

wish to report as follows:

The Senate concurs in the Ninth Edition Engrossed 7/17/92, and the House and Senate agree to the following amendments:

on page 1, lines 4 and 5, by rewriting those lines to read:
"ATTRACTIONS IN NORTH CAROLINA, TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE OUT-OF-STATE COLLEGIATE INSIGNIA PLATES AND";

on page 3, lines 12 through 15, by deleting those lines;
on page 3, lines 23 and 24, by deleting the phrase "not-for-profit" and substituting "nonprofit";
on page 5, line 41, by deleting that line;
on page 6, lines 7 through 17, by deleting those lines;
on page 6, line 18, by rewriting the line to read:

"(b) ~~Initial Distribution of proceeds.~~ Distribution of Fees. — The Special Registration Plate Account and the Collegiate and Historical Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) among the Special Registration Plate Account (SRPA), the Collegiate and Historical Attraction Plate Account (CHAPA), and the Recreation and Natural Heritage Trust Fund (RNHTF), which is established under G.S. 113-77.7, as follows:

Special Plate	SRPA	CHAPA	RNHTF
Historical Attraction	$10	$20	0
In-State Collegiate Insignia	$10	$15	0
Out-of-State Collegiate Insignia	$10	0	$15

Personalized	$10	0	$10
All other Special Plates	$10	0	0

After deducting the costs of the special";

on page 6, lines 26 through 35, by rewriting these lines to read:
"(c) ~~Use of Remaining Proceeds. — The remaining revenue in the Fund shall be transferred quarterly as follows:~~ Use of Funds in Special Registration Plate Account. — The Division shall deduct the costs of special registration plates, including the costs of issuing, handling, and advertising the availability of the special plates, from the Special Registration Plate Account. The Division shall transfer the remaining revenue in the Account quarterly as follows:";

on page 7, lines 25 through 29, by rewriting these lines to read:
"of the appropriate college or university. The Division must transfer quarterly the money in the Collegiate and Historical Attraction Plate Account derived from the sale of in-State collegiate insignia plates to the Board of";

on page 7, line 38 through page 8, line 3, by deleting these lines;

on page 8, line 4, by deleting the subsection reference "~~(b)~~ (c)" and substituting the subsection reference "(b)";

on page 8, lines 5 and 6, by deleting the phrase "not-for-profit" and substituting "nonprofit";

on page 8, lines 7 through 10, by rewriting these lines to read:
"plate may be developed. The Division must transfer quarterly the money in the Collegiate and Historical Attraction Plate Account derived from the sale of historical attraction plates to the organizations named below in";

on page 8, line 13, by deleting the word "Historic" and substituting the word "Historical";
on page 8, line 20, by deleting the phrase "Not-for-Profit" and substituting "Nonprofit";
on page 8, line 21, by deleting the phrase "not-for-profit" and substituting the word "nonprofit";
on page 8, line 34, by deleting the subsection reference "~~(c)~~ (d)" and substituting the subsection reference "(c)";
on page 9, line 20, by deleting the phrase "not-for-profit" and substituting the word "nonprofit";
and on page 9, line 21, by deleting the phrase "Not-for-Profit" and substituting the word "Nonprofit".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 23rd day of July, 1992.

S/Wendell Murphy
S/Betsy Cochrane
S/Ted Kaplan

Conferees on the part of the Senate

S/John B. McLaughlin
S/Joanne W. Bowie
S/Billy Creech
S/John (Pete) Hasty
S/Bertha M. Holt
S/Mary E. McAllister

Conferees on the part of the House of Representatives

On motion of Senator Murphy, the Conference Report is placed on the Calendar for tomorrow, July 24, for adoption.

H.B. 999

Senator Perdue for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives on **H.B. 999**, a bill to provide for a member of the Teachers' and State Employees' Retirement System to purchase time lost due to interrupted service for maternity and parental leave or involuntary administrative furlough, which proposes to change the title, submits the following report, which proposes acceptance of the change in the title, upon adoption, to read **H.B. 999**, a bill to provide for a member of the Teachers' and State Employees' Retirement System to purchase time lost due to interrupted service for maternity and parental leave or involuntary administrative furlough.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 999, Second Edition Engrossed 5/8/91 as amended by Senate amendment #1, already concurred in, wish to report as follows:

The House concurs in Senate amendment #2, with an amendment as follows:

in Senate amendment #2, add on page 1, line 10 after the word "furlough" the words "due to a lack of funds to support the position"

and on page 1, line 19 after the word "furlough" the words "due to a lack of funds to support the position".

The House concurs in Senate amendment #3.

The House concurs in Senate amendment #4.

The House further amends the bill by amending Senate amendment #1 by underlining the material to be deleted and inserted on page 1, lines 8, 10, and 19 of the bill.

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 22nd day of July, 1992.

S/Beverly M. Perdue	S/Bertha M. Holt
S/David Parnell	S/H. M. Michaux, Jr.
S/Ralph A. Hunt	S/C. P. Stewart
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Perdue, the Conference Report is adopted (32-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 288 (Committee Substitute), a bill to modify the benefit restrictions for reemployed retirees in the Local Governmental Employees' Retirement System and in the Teachers' and State Employees' Retirement System and in the Consolidated Judicial Retirement System, temporarily displaced earlier.

On motion of Senator Basnight, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (34-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1323 (Committee Substitute), an act to replace the authority of counties to retain their costs in collecting the State's share of the deed stamp tax with the authority to retain a fixed percentage of the revenue from that tax. (Ch. 1019)

H.B. 1386 (Senate Committee Substitute), an act to permit the Commissioner of Labor to impose penalties against public agencies for OSHA violations and to require local governmental units to report OSHA citations to their governing boards. (Ch. 1020)

H.B. 1394 (Senate Committee Substitute), an act to protect employees from retaliatory discrimination in employment for engaging in protected activities. (Ch. 1021)

S.B. 1100, an act to amend the law regarding appointments to the Board of Commissioners of the Nash County Hospital Authority. (Ch. 1022)

CALENDAR (Continued)

H.B. 1408 (Committee Substitute No. 2), a bill to improve voter participation.

Senator Lee offers Amendment No. 1 which is adopted (35-0).

Senator Bryan offers Amendment No. 2 which is adopted (36-0), changing the title, upon concurrence, to read **H.B. 1408** (Committee Substitute No. 2), a bill to improve voter participation and to make changes in campaign reporting laws.

The Committee Substitute bill No. 2, as amended, passes its second (32-4) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2 by special messenger.

S.B. 1113 (House Committee Substitute), a bill to authorize the construction and financing of a capital improvements project at North Carolina State University at Raleigh, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Hartsell, Hunt, Hyde, Kaplan, Lee, Martin of Guilford, Murphy, Odom, Parnell, Perdue, Plexico, Pollard, Richardson, Royall, Sands, Shaw, Sherron, Soles, Speed, Staton, Tally, Walker, and Warren—36.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives, transmitting the following bill, which is read the first time and disposed of, as follows:

S.B. 1277, a bill to provide that the immunity held by members of the General Assembly does not apply to infractions, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read **S.B. 1277**, a bill to limit the immunity held by members of the General Assembly, which is placed on the Calendar for tomorrow, July 24.

On motion of Senator Barnes, seconded by Senator Daniel, the Senate adjourns at 7:45 P.M. to meet tomorrow, July 24, at 11:00 A.M.

ONE HUNDRED THIRTY-NINTH DAY

SENATE CHAMBER,
Friday, July 24, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, we pray today by calling to mind the men and women here in whom a great vision has become visible; people with whom we can identify, yet people who have broken out of the constraints of their own time and place and moved ahead with courage and confidence.

"As long as we can remind each other of the stories of these men and women in whom Your Love is manifest and good works have been accomplished, there is reason to move forward to new land in which new visions will be discovered. Amen."

Senator Barnes, President *Pro Tempore*, announces the Journal of yesterday, July 23, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President grants a leave of absence for today to Senator Goldston, Senator Seymour, Senator Raynor, Senator Ward, and Senator Winner.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders measures sent to the House of Representatives by special messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S.B. 1032 (House Committee Substitute), an act to prohibit discrimination against any person for engaging in the lawful use of any lawful product during nonworking hours unrelated to employment. (Ch. 1023)

S.B. 1265, an act to clarify the exclusion of nonpublic schools from the day care law. (Ch. 1024)

S.B. 1241 (Committee Substitute), an act to authorize the Town of Mocksville to use its monies to fund a satellite campus of Davidson County Community College within Davie County or the Town of Mocksville and to authorize the Town to sell, lease, or otherwise transfer the property for use as a satellite community college for employment training and education. (Ch. 1025)

H.B. 1442 (Senate Committee Substitute), an act to correct a reference to two maps of Surry County concerning fire districts. (Ch. 1026)

S.B. 1113 (House Committee Substitute), an act to authorize the construction and financing of a capital improvements project at North Carolina State University at Raleigh. (Ch. 1027)

REPORT OF COMMITTEE

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Tally for the Environment and Natural Resources Committee:

H.B. 1601 (Committee Substitute), a bill to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Tally, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration. On her further motion, the measure is adopted and with unanimous consent, the measure remains before the Senate for further consideration upon its passage.

The Senate Committee Substitute bill passes its second (31-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of, as follows:

S.B. 1229 (House Committee Substitute No. 2), a bill to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina, high school insignia plates, out-of-state collegiate insignia plates, and military retiree plates, and to provide for the distribution of the income from these plates, which proposes to change the title, Conference Report, submitted July 23, for adoption, upon second reading, and which further proposes to change the title.

On motion of Senator Murphy, the Senate adopts the Conference Report on its second reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Hartsell, Hyde, Kaplan, Martin of Pitt, Martin of Guilford, Murphy, Perdue, Plexico, Plyler, Pollard, Royall, Sands, Sherron, Soles, Speed, Staton, Tally, Walker, and Warren—33.

Voting in the negative: None.

The Conference Report remains on the Calendar for the next legislative day, for adoption upon third reading.

H.B. 1568 (Senate Committee Substitute), a bill to clarify the accounting treatment of certain fees and to correct cross references to the Current Operations Appropriations Act, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Hartsell, Hyde, Kaplan, Martin of Guilford, Murphy, Plexico, Plyler, Pollard, Richardson, Royall, Sands, Sherron, Soles, Speed, Tally, Walker, and Warren—30.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

H.B. 561 (Senate Committee Substitute), a bill to provide for the minimum standards, duties, and responsibilities of company police officers and company police agencies, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Barnes, Basnight, Blackmon, Block, Bryan, Carpenter, Carter, Cochrane, Cooper, Daniel, Daughtry, Forrester, Hartsell, Hyde, Kaplan, Martin of Pitt, Martin of Guilford, Murphy, Perdue, Plexico,

Plyler, Pollard, Richardson, Royall, Sands, Shaw, Sherron, Soles, Speed, Staton, Tally, Walker, and Warren—35.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for the next legislative day for further consideration upon third reading.

S.B. 1277, a bill to provide that the immunity held by members of the General Assembly does not apply to infractions, for concurrence in House Amendment No. 1, which proposes to change the title.

Without objection on motion of Senator Sands, the bill is temporarily displaced.

REMARKS OF PRESIDENT OF THE SENATE, LIEUTENANT GOVERNOR JAMES C. GARDNER

The President requests permission to approach the Well of the Senate. With unanimous consent on motion of Senator Barnes, the Honorable James C. Gardner, Lieutenant Governor, is granted permission to approach the Well of the Senate to address the membership.

The President relinquishes the gavel to Senator Barnes, President *Pro Tempore*, who presides.

With unanimous consent on motion of Senator Perdue, the remarks of the Lieutenant Governor are spread upon the Journal, as follows:

By Lieutenant Governor Gardner:

"Thank you, Senator Barnes. Members of the Senate, it's hard to believe that four years have gone by so quickly. It was like yesterday that we had finished an election in November, and the realization that I would be presiding over the Senate, for which I knew absolutely nothing about, began to hit me.

"And I want to first start off by thanking Sylvia Fink and her great staff who do such a wonderful job not only for you but each and every single day for the people of North Carolina. And I want to especially thank them for the help and the consideration they gave a total novice when I came in here. I could not have been here for four years without slowing down your efforts and falling on my face had it not been for them. And I would like to ask all of us today to let's give a standing round of applause to the finest, hardest working staff I've ever seen.

"All of us know, but many people do not realize, that many times after we leave, these hard-working people are here to eight, nine, ten, eleven o'clock at night. They do an excellent job. I have never known anybody who cares as much about this institution as Sylvia Fink does. She knows these rules; she believes they ought to be carried out, and although she doesn't carry the title of a Senator, it's in her heart, believe me, stamped in there.

"I also, to our other fine staff, Gerda, who keep our institution here running each and every single day, we want to thank our Sergeant-at-Arms. Many of them I don't have an opportunity to talk with, they're up manning the doors every day, but I think we ought to, also, stand at this time and give Gerda and her staff a round of applause.

"This has been a great experience for me. I served a term in the United States Congress, and when I came to Raleigh to be the presiding officer of the Senate, all my experiences were based on those two years that I served in the United States Congress. I came in with some pretty strong feelings that maybe this Body didn't work as hard as it should, that maybe it didn't know what it should know, but I have found out in these four years that even though we might differ on how we arrive at the solutions to problems, this group is a very hard-working, dedicated group. And it reinforces everything that I have believed in my entire life about our democracy, the greatest system this world has ever seen. It works because we do differ. It works because we do run for public office. And I am very much concerned today, and it doesn't make any difference, Senator Hyde, if you're a Democrat or a Republican.

"I happen to be watching television the other night, and a group of young people were being interviewed and they were asked the question what they felt about politics and politicians. And I was rather stunned as I sat there and listened to what they felt about those of us who join this political fraternity and give so much of our lives and our families' lives to try to make this a better country and a better State. They said we are all a bunch of crooks and that nobody believed in the system anymore and it didn't work. And I want to say to them, even though they are not here right now, it does work. It might not work one hundred percent all of the time, and we might differ on those final solutions, but it works because we have people like each of you here today who would give your time. You're not here for the money; you're not here for the glory, because there's not very much glory left. You're here because I think deep down each and every single one of us, Democrats and Republicans, each believe that we have a responsibility to give something back to our great State of North Carolina and to the greatest country that the world has ever seen. These are tough times that we are going through. You've been through it, we have been through it almost every session of these last four years. They are probably going to be tougher in the future.

"I will not be coming back here to this Body after these last sessions, but I did want to thank each and every single one of you for the respect that you have given the Office of President of the Senate. I understand very well that you could have made it very tough in those early days. You chose not to do that. You gave me an opportunity to work with you, to build friendships on both sides of the aisle, which I will remember for a long, long time.

"I want to say a special thanks to my friends on the back row. You are all front-row people as far as I am concerned. It's been a real pleasure to work and to get to know each one of you individually.

"And I want to say something to Senator Barnes. I have had a chance starting probably, Henson, two weeks before we came in here to fight a little bit about what we were going to be doing, but I have grown to respect this man and the duty that he has shown his State, his concern about the citizens of North Carolina. It has been a privilege to be able to know him, and I hope that in my travels when I go through Goldsboro, if I can convince him not to eat at a special barbecue place, that maybe he and Kitty will have lunch with Marie and I, one day. He still knows the best barbecue in the world comes from Rocky Mount, not Goldsboro!

"You have to think also have a little laughing as we go through our lives today and I've had a special treat in knowing one Senator here. We spent about six months writing letters to each other. Every time I would say something he would write a letter and give it to the press; and I'd write a letter and send it back. Senator Kaplan and I became, I think you might be able to say, pen-pals. I wanted to do something today to give some type special award to one of our Senators, to show him that even though we differ politically and we play hard ball on both sides, that we can laugh, we can talk about it, and we can remain friends. And to Senator Ted Kaplan, I'd like to ask him to come forward because I want to give him the 'Jim Gardner Award,' if I could, this year. (Laughter) Senator Kaplan you will notice that this represents your Party, a very important part of it. I wanted to get it engraved for you, but being a poor, bankrupt Republican, I couldn't afford to do it. But I want to give it to you, Ted, and to let you know that I have enjoyed it, and as I come through Winston-Salem, maybe we'll have a meal."

By Senator Kaplan:

"Governor, may this be the view of your Party in the next election." (Laughter)

By Lieutenant Governor Gardner:

"In closing today, if I could, let me go back to all the critics, all of the members of the press who like to work on us twenty-four hours a day, all the doubting-Thomas' all over this State and this Country, to those young people I happen to see that night on television, and I want to read them the words that I believe in very strongly, not only politically but I believe in it in my life. It was something that a former President of the

United States said years ago, former President Theodore Roosevelt; and I think these words better describe any thing that I could say who we are, what we're all about, and the world that we live in today. If you bear with me I'll read this:

> It is not the critic who counts, not the man who points out how the strong man stumbles or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes short again and again, because there is not effort without error or shortcoming. But who does actually strive to do the deeds, who knows the great enthusiasms the great devotions, who spends himself in a worthy cause, who with at the best knows in the end the triumphs of high achievement and who at the worst, if he fails, at least fails while daring greatly so that his place shall never be with those cold and timid souls who will never know either victory or defeat.

"I thank you for the time that I've spent with you and I wish each of you my personal best. Thank you." The Senate responds with a prolonged standing ovation.

The President *Pro Tempore* relinquishes the gavel to the President of the Senate, Lieutenant Governor Gardner, who presides.

WITHDRAWALS FROM COMMITTEE

H.J.R. 1683, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to change the standard of proof in hearings and rehearings for involuntary commitment of persons found not guilty by reason of insanity, referred to the **Rules and Operation of the Senate Committee** on July 20.

Senator Kaplan offers a motion that the rules be suspended and the joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration, which motion prevails.

The Chair orders the joint resolution placed before the Senate.

The joint resolution passes its second (35-0) and third readings and is ordered enrolled.

H.B. 1343 (Committee Substitute), a bill to make appointments to various public offices upon the recommendation of the Speaker of the House of Representatives, and to amend certain statutes calling for various commissions to have one member from each of eleven congressional districts, referred to the **Rules and Operation of the Senate Committee** on July 22.

Senator Kaplan offers a motion that the rules be suspended and the Committee Substitute bill be taken from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration, which motion prevails.

The Chair orders the Committee Substitute bill placed before the Senate.

Senator Kaplan offers Amendment No. 1 which is adopted (36-0).

Without objection, on motion of Senator Kaplan, the Committee Substitute bill, as amended, is subsequently temporarily displaced.

H.J.R. 1684, a joint resolution providing for adjournment *sine die* of the General Assembly, referred to the **Rules and Operation of the Senate Committee** on July 23.

Senator Kaplan offers a motion that the rules be suspended and the joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed before the Senate for immediate consideration, which motion prevails.

The Chair orders the joint resolution placed before the Senate.

Without objection, on motion of Senator Barnes, the joint resolution is subsequently temporarily displaced.

S.B. 1174, a bill to authorize the Legislative Research Commission to study the need to establish a college of chiropractic in North Carolina, and to make an appropriation therefor, referred to the **Appropriations Committee** on June 3.

Senator Basnight offers a motion that the rules be suspended and the bill be taken from the **Appropriations Committee** and placed before the Senate for immediate consideration, which motion prevails.

The Chair orders the bill placed before the Senate.

Without objection, on motion of Senator Basnight, the bill is subsequently temporarily displaced.

Without objection on motion of Senator Barnes, the Senate recesses at 11:50 A.M. to reconvene at 12:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following joint resolution properly enrolled, and it is duly ratified and sent to the office of the Secretary of State:

H.J.R. 1683, a joint resolution authorizing the 1991 General Assembly, 1992 Session, to consider a bill to be entitled an act to change the standard of proof in hearings and rehearings for involuntary commitment of persons found not guilty by reason of insanity. (Res. 74)

CONFERENCE REPORT

H.B. 379 (Senate Committee Substitute)

Senator Odom for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 379** (Senate Committee Substitute), a bill to increase the fine for persons convicted of driving more than fifteen miles per hour over the speed limit, to change the standard of proof in hearings and rehearings for involuntary commitment of persons found not guilty by reason of insanity, and to authorize a judicial official in a noncapital case to conduct certain pretrial proceedings by a two-way audio and video transmission, which proposes to change the title, submits the following report which further proposes to change the title, upon adoption, to read **H.B. 379** (Senate Committee Substitute), a bill to increase the fine for persons convicted of driving more than fifteen miles per hour over the speed limit, to change the standard of proof in hearings and rehearings for involuntary commitment of persons found not guilty by reason of insanity.

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 379, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR PERSONS CONVICTED OF DRIVING MORE THAN FIFTEEN MILES PER HOUR OVER THE SPEED LIMIT, TO CHANGE THE STANDARD OF PROOF IN HEARINGS AND REHEARINGS FOR INVOLUNTARY COMMITMENT OF PERSONS FOUND NOT GUILTY BY REASON OF

INSANITY, AND TO AUTHORIZE A JUDICIAL OFFICIAL IN A NONCAPITAL CASE TO CONDUCT CERTAIN PRETRIAL PROCEEDINGS BY A TWO-WAY AUDIO AND VIDEO TRANSMISSION, Senate Judiciary II Committee Substitute Adopted 7/10/92,

wish to report as follows: The House concurs in the Senate Judiciary II Committee Substitute Adopted 7/10/92 and the House and the Senate agree to the following amendments:

on page 1, lines 6-8, by rewriting those lines to read:
"BY REASON OF INSANITY.";

and on page 2, line 44, through page 4, line 19, by deleting those lines;

and on page 4, line 20, by deleting the number "9" and substituting "6";

and on page 4, lines 21-25, by rewriting those lines:
"applies to offenses committed on or after that date. The remainder of this act is effective upon ratification and applies to all hearings and rehearings on discharge and conditional release occurring on or after the date of ratification."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 23 day of July, 1992.

S/T. L. Odom S/Roy A. Cooper III S/Sands	S/Robert C. Hunter S/John T. Church S/David T. Flaherty, Jr. S/Joe Hackney S/R.J. Hensley, Jr.
Conferees on the part of the Senate	*Conferees on the part of the House of Representatives*

On motion of Senator Odom, the Conference Report is adopted (35-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

S.B. 182 (Committee Substitute)

Senator Cooper, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 182** (Committee Substitute), a bill recommended by the Juvenile Study Commission to eliminate appeals to Superior Court under the Parental Control Act and to facilitate *pro se* representation by parents, submits the following report which proposes to change the title, upon adoption, to read **S.B. 182** (Committee Substitute), a bill recommended by the Juvenile Law Study Commission to eliminate appeals to Superior Court under the Parental Control Act.

To the President of the Senate and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 182, A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE JUVENILE STUDY COMMISSION TO ELIMINATE APPEALS TO SUPERIOR COURT UNDER THE PARENTAL CONTROL ACT AND TO FACILITATE *PRO SE* REPRESENTATION BY

PARENTS, Judiciary II Committee Substitute Adopted 5/16/91, Second Edition, with an unengrossed amendment,
wish to report as follows: The Senate concurs in House Amendment #1 (unengrossed) adopted by the House on July 7, 1992.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 24 day of July, 1992.

S/Roy A. Cooper III
S/Austin M. Allran
S/Fletcher L. Hartsell, Jr.

Conferees on the part of the Senate

S/Robert C. Hunter
S/W. Pete Cunningham
David T. Flaherty, Jr.
S/R.J. Hensley, Jr.
Doris Rogers Huffman

Conferees on the part of the House of Representatives

On motion of Senator Cooper, the Conference Report is adopted (35-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 1174, a bill to authorize the Legislative Research Commission to study the need to establish a college of chiropractic in North Carolina, and to make an appropriation therefor, temporarily displaced earlier.

The bill passes its second (37-0) and third readings and is ordered sent to the House of Representatives by special messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

H.B. 379
(Senate Committee Substitute)

House of Representatives
July 24, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on H. B. No. 379, "A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR PERSONS CONVICTED OF DRIVING MORE THAN FIFTEEN MILES PER HOUR OVER THE SPEED LIMIT, TO CHANGE THE STANDARD OF PROOF IN HEARINGS AND REHEARINGS FOR INVOLUNTARY COMMITMENT OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY", to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.B. 182
(Committee Substitute)

House of Representatives
July 24, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on S.B. No. 182 (Com. Sub.), "A BILL

TO BE ENTITLED AN ACT RECOMMENDED BY THE JUVENILE LAW STUDY COMMISSION TO ELIMINATE APPEALS TO SUPERIOR COURT UNDER THE PARENTAL CONTROL ACT," to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The Committee Substitute bill is ordered enrolled.

CALENDAR (Continued)

H.B. 1343 (Committee Substitute), a bill to make appointments to various public offices upon the recommendation of the Speaker of the House of Representatives, and to amend certain statutes calling for various commissions to have one member from each of eleven congressional districts, as amended, temporarily displaced earlier.

The Committee Substitute bill, as amended, passes its second (38-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

REMARKS OF SENATOR T. L. ODOM

Senator Barnes offers a motion to the end the remarks offered by Senator Odom on June 9, speaking to the loss of life due to drunk driving, be spread upon the Journal, which motion prevails with unanimous consent. The remarks of Senator Odom are as follows:

"Mr. President and members of the Senate, I have distributed on your desks a newspaper article, two newspaper articles, and I want to speak to you just a moment on a subject that I call the loss of national treasures.

"In Japan, some very special persons are designated national treasures. They are regarded as precious, invaluable, and irreplaceable. We don't do that in this Country, but we should. In fact, our whole society, in my opinion, must re-think and re-focus our attitude to the continuing carnage on our highways that continues to senselessly and needlessly destroy national treasures. And those treasures are our young people.

"You have these two newspaper articles in front of you from last week's *Charlotte Observer*. The Charlotte community, and UNC-Charlotte, the State of North Carolina, and the United States of America lost two national treasures to drunk drivers last week in two separate incidences. Amanda Garrison who was twenty-one years of age and Fred Thompson who was twenty-six. I did not know Fred, but I did know and I loved Amanda Garrison. When you read these articles, you will know that these are two types of persons that our society wants to produce.

"Now think for me—with me for a moment of what those articles do not say. First, the thousands and thousands of hours of loving and teaching and caring and attention that their families showered on these two young people. That's all wasted. Think about the tremendous amount of money that was spent by these families and by the taxpayers of this State to educate these two young people. That's all been wasted. And you know what, until this strikes home, we will continue to read about this and we will say to ourselves as we read it what a tragedy; and then we will go on with our business. We hear and we read statistics, but they really don't touch our hearts.

"When you look at this newspaper article there are two paragraphs from each one I want to emphasize. First with regard to Fred, who was twenty-six years of age. One of his professors said that, 'Fred always had a smile, and when he saw me he always gave me a hug.' His mother said that her son had just recently accepted a post as a senior computer analyst with Trans-America Reinsurance. And then another professor said,

'Anytime we get young black males who have excelled through the process the way Fred did, it grieves me to see us lose them. Here's a young man who did not get caught up in the various vices that have trapped so many only to be killed as a result of someone else's vice; that's a tragic thing.

"With regard to Amanda, her father said, and he's a very good friend of mine, he said that Amanda was the kind of child you always wanted. She had her head on right. She always wanted to achieve. She had to work hard, and it didn't come easy. She could have achieved anything, and she had her life snatched from her.

"Here are several hundred pages of statistics compiled in North Carolina for the year 1990. One of those statistics is that in 1990, we had over 1,300 deaths on the highways of this State and over 600 of them were directly related to alcohol. In a few months another set of statistics will come out. Amanda's name and Fred's name will not be in here. They will just be another number, unfortunately.

"We keep studying and we keep reporting and we keep recommending. Here is what the President recommended in 1990. Here's what the Drug Cabinet recommended in 1990. Here is the Substance Abuse in North Carolina Legislature's Guide as to the many million of dollars that we spend; but we are not protecting our national treasures. When will it end? What will it take? Why do we let it happen? I wish I knew the answer today, but I don't. But I do know this, if our attitude toward victims and offenders doesn't move us to action we are derelict in our duties. If our attitude toward promotion of alcohol does not move us to action, we are blind to common sense. If our attitude toward the privilege to operate a motor vehicle doesn't move us to action, we are doomed to see more of our national treasures destroyed.

"And I do know this, I want to be a part of a movement that does two things. One, recognize our living national treasures, and we saw a group of them in here today. A group of our future national treasures. Secondly, I want to be part of a movement that will take action that will protect our national treasures from wanton, senseless destruction. Amanda's mother said the last thing she ever wanted to buy her child was a casket. Fred and Amanda'a lives and their deaths have touched me. I hope you are not saddened in the coming months by such as an event, an event such as this, before our society changes its attitude. Thank you."

Without objection, on motion of Senator Barnes, the Senate recesses at 1:05 P.M. for the purpose of committee meetings to reconvene at 2:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Cochrane and Senator Allran.

With no business to come before the Senate, without objection, on motion of Senator Sands, the Senate recesses at 2:35 P.M. for the purpose of committee meetings to reconvene at 2:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Sands for the **Judiciary II Committee**:

H.B. 508, a bill to create the felony offense of fortifying a structure used for the illegal sale, delivery, manufacture, or possession of a controlled substance for the purpose of suppressing or impeding law enforcement entry, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Sands, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 508** (Senate Committee Substitute), a bill to increase the punishment to a felony for fortification of a structure used for illegal controlled substance activity for the purpose of impeding law enforcement entry, is placed before the Senate for immediate consideration.

On motion of Senator Sands, the Senate Committee Substitute bill is adopted, and on his further motion remains before the Senate for further consideration upon its passage.

Without objection, on motion of Senator Sands, the Senate Committee Substitute bill is subsequently temporarily displaced.

By Senator Sands, Vice Chairman, for the **Election Laws Committee**:

H.B. 1560, a bill to modify the method of electing the County Commissioners of Robeson County so that the general election is within the districts previously established for nomination, with a favorable report.

On motion of Senator Sands, the rules are suspended, and the bill is placed before the Senate for immediate consideration upon its passage.

The bill passes its second (33-1) and third readings and is ordered enrolled.

CALENDAR (Continued)

H.B. 508 (Senate Committee Substitute), a bill to increase the punishment to a felony for fortification of a structure used for illegal controlled substance activity for the purpose of impeding law enforcement entry, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second (37-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

The President relinquishes the gavel to Senator Barnes, President *Pro Tempore*, who presides, in his absence.

Without objection, on motion of Senator Basnight, the Senate recesses at 3:10 P.M. for the purpose of committee meetings to reconvene at 3:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable James C. Gardner, Lieutenant Governor.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Basnight for the **Appropriations Committee**:

S.B. 1094, a bill to modify the current operations appropriations and the capital improvements appropriations for the 1992-93 fiscal year and to make other changes in

the budget operation of the State, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, and the Committee Substitute bill, which changes the title to read **S.B. 1094** (Committee Substitute), a bill to appropriate funds for essential capital improvements for the 1992-93 Fiscal Year, to make conforming statutory changes, and to make technical corrections essential to effect the budget operation of the State, is placed before the Senate for immediate consideration.

On motion of Senator Basnight, the Committee Substitute bill is adopted, and on his further motion remains before the Senate for consideration upon its passage.

The Committee Substitute bill passes its second (34-0) and third readings and is ordered sent to the House of Representatives by special messenger.

CALENDAR (Continued)

S.B. 1277, a bill to provide that the immunity held by members of the General Assembly does not apply to infractions, received July 23, for concurrence in House Amendment No. 1, which proposes to change the title, temporarily displaced earlier.

The Senate concurs in House Amendment No. 1 (34-0). The title changes and the measure is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted out of the regular order of business, the bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Basnight for the Appropriations Committee:

H.B. 1358, a bill to waive the twelve-month durational requirement for resident tuition status for the children of employees domiciled in the State who are entitled to benefits under the Teachers' and State Employees' Retirement System, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Basnight, the rules are suspended, and the Senate Committee Substitute bill, which changes the title, upon concurrence, to read **H.B. 1358** (Senate Committee Substitute), a bill to waive the twelve-month durational requirement for resident tuition status for teachers enrolled in courses to complete certification requirements of the State Board of Education, is placed before the Senate for immediate consideration.

On motion of Senator Basnight, the Senate Committee Substitute bill is adopted, and on his further motion remains before the Senate for further consideration upon its passage.

The Senate Committee Substitute bill passes its second (34-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

CALENDAR (Continued)

H.B. 561 (Senate Committee Substitute), a bill to provide for the minimum standards, duties, and responsibilities of company police officers and company police agencies, ordered placed on the Calendar for the next legislative day, upon third reading, earlier today.

Senator Cooper rises to a point of order as to the Senate Committee Substitute bill requiring a call of the roll.

The Chair rules the Senate Committee Substitute bill to be a roll call measure, pursuant to Article II (Sec. 23) and it remains on the Calendar for the next legislative day.

REMARKS OF SENATOR KENNETH C. ROYALL, JR.

The Chair recognizes Senator Royall, who rises to a point of personal privilege.

With unanimous consent on motion of Senator Sands, the remarks of Senator Royall are spread upon the Journal, as follows:

By Senator Kenneth C. Royall, Jr.:

"Mr. President, fellow members of the Senate:

"The British poet, Lord Byron, once said: 'All farewells should be sudden.'

"And I'll make this one as sudden as I can. It won't be like Senator Marvin's concurrence in Genesis.

"Lord Byron's point was this: 'Farewells are sad occasions, so the shorter they are the better they are.'

"This is, quite truthfully, a difficult moment.

"After an association of more than a quarter of a century, I am saying farewell to as fine an institution as ever existed—the General Assembly of North Carolina—and to as fine a group of men and women as ever walked on the face of this earth—you, the members. During this legislative session we have had a leadership team that has done an outstanding job. The leadership in the Senate has pulled us all together. Democrats and Republicans all alike. And I thank you, Senator Barnes, our President *Pro Tempore*. Especially, thank you for appointing Senator Mark Basnight, Chairman of Appropriations and Senator George Daniel as Chairman of Finance. As a Vice-Chairman of both Appropriations and Finance Committee, I've seen them both in action. They have done an outstanding job. And in all my twenty-six years of service, I've never seen a better job done by two individuals. And I know that they, along with Senator R.C. Soles and Senator Richard Conder, will take the 1993 Senate and the State of North Carolina forward.

"To the Republicans I would like to say that I appreciate, particularly, in this session the fact that on many issues we put partisanship aside. This due in a large part to their leader, Senator Bob Shaw, and the belief that there are some issues that transcind Party lines. After all, in actuality, there are a number of us that sit on the back row!

"Bittersweet—that is the word that expresses my feelings.

"On the other hand, we have successfully completed a tough session in which you performed brilliantly and advanced the interests of the people of North Carolina.

"On the other hand, you and I now part company after a long and thoroughly enjoyable association.

"They say, 'the highest reward for a man's toil is not what he gets by it but what he becomes by it.'

"What did I become by it? I hope that I have become a more caring individual in terms of support for human need, and particularly those who cannot speak for themselves.

"It is not the duty of government to play the role of Santa Claus. But it's the duty of government to help eradicate ignorance and poverty—pain and misery—to stand up for those in need who lack rank and power and privilege and those who cannot help themselves.

"The words of Governor Charles Brantley Aycock, uttered eighty-eight years ago, say it well: 'It undoubtedly appears cheaper to neglect the aged, the feeble, the infirm, the defective, to forget the children of this generation—but those who do are cursed of God and the state that permits it is certain of destruction.'

"Of course, there are always some nay-sayers who oppose such expenditures, claiming that 'it will bankrupt the State.'

"Well, after eighty-eight years of this kind of 'bankruptcy,' do you know what North Carolina's credit rating is? Any investment banker will tell you. It's triple-A—the highest rating obtainable.

"And this is in spite of the fact that our total budget has increased 11-1/2 times since I first came to the Legislature in 1967— when the budget was $1.4 billion. The current figure, as you know, is $16 billion. Yes, we've certainly grown a lot.

"Much of my service has been in the area of mental health and finance. From my first day here to my last day here, I did my best to see that the fiscal solutions were sound, sensible and sufficient for every citizen in North Carolina.

"I tried to frame my work in reality, not daydreams, not making promises that could not be fulfilled—but always trying to be a faithful defender of the public interest. I tried to uphold North Carolina's reputation for financially sound government. And I tried to make the legislative branch of government strong and vibrant—effective and meaningful—a constructive force in every phase of life in North Carolina.

"How successful I've been in these endeavors will be determined by history. But one thing for sure, I shall always be grateful for having the opportunity to be part of this process.

"I hope I have earned your confidence as fully as you have earned my high regard and enduring respect.

"I hope that our paths will cross frequently, and I intend to keep my friendships in good repair. I will carry the memory of our association with me always—wherever I go—whatever I do—and for however many days are left to me.

"In closing, I turn to Shakespeare, who said, 'I can no other response make but thanks and thanks and forever thanks.' God bless all of you."

The Senate responds with a warm and prolonged standing ovation.

The Chair extends courtesies of the gallery to Julia Royall, wife of Senator Royall, and to other family members and friends.

CALENDAR (Continued)

H.J.R. 1684, a joint resolution providing for adjournment *sine die* of the General Assembly, temporarily displaced earlier.

Senator Kaplan offers Amendment No. 1 setting the time for adjournment *sine die* for 6:00 P.M. which is adopted (36-0).

The joint resolution, as amended, passes its second (36-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1 by special messenger.

DISMISSAL OF CONFEREES

H.B. 172 (Senate Committee Substitute), a bill to resume electing the Tax Collector of Mitchell County, with conferees appointed on July 16.

With unanimous consent, on motion of Senator Staton, the President *Pro Tempore* dismisses the Conferees and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Without objection on motion of Senator Royall, the Senate recesses at 4:15 P.M. to reconvene at 5:45 P.M.

RECESS

The Senate meets pursuant to recess and, in the absence of the Lieutenant Governor, is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*, who presides.

RECALL FROM THE HOUSE OF REPRESENTATIVES

H.J.R. 1684, a joint resolution providing for adjournment *sine die* of the General Assembly, ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 earlier today.

Senator Sands offers a motion, the joint resolution, as amended, be recalled from the House of Representatives for further consideration by the Senate, which motion prevails with unanimous consent.

The Chair orders a message sent to the House of Representatives respectfully requesting return of the joint resolution for further consideration by the Senate.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 172
(Senate Committee Substitute)

House of Representatives
July 24, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has dismissed the Conferees on HB 172. The House has reconsidered the vote by which the House failed to concur in the Senate Comm. Sub. to HB. No. 172 – A BILL TO BE ENTITLED AN ACT TO RESUME ELECTING THE TAX COLLECTOR OF MITCHELL COUNTY. The House has concurred and has ordered the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

S.B. 977 (Committee Substitute), a bill to make appointments to public office upon the recommendation of the President *Pro Tempore* of the Senate and to correct an appointment, for concurrence in House Amendment No. 1.

On motion of Senator Kaplan, the rules are suspended without objection, and the Committee Substitute bill is placed before the Senate for immediate consideration.

With unanimous consent, on motion of Senator Sands, Rule 25 requiring electronic voting is suspended.

The Senate concurs in House Amendment No. 1 and the measure is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and a resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1601 (Senate Committee Substitute), an act to make clarifying, conforming, and technical amendments to various laws relating to environment, health, and natural resources. (Ch. 1028)

H.B. 999, an act to provide for a member of the Teachers' and State Employees' Retirement System to purchase time lost due to interrupted service for maternity and parental leave or involuntary administrative furlough. (Ch. 1029)

H.B. 1656 (Senate Committee Substitute), an act to make various technical amendments to the General Statutes as recommended by the General Statutes Commission and to make technical amendments to the law. (Ch. 1030)

S.B. 182 (Committee Substitute), an act recommended by the Juvenile Law Study Commission to eliminate appeals to Superior Court under the Parental Control Act. (Ch. 1031)

H.B. 1408 (Committee Substitute No. 2), an act to improve voter participation and to make changes in campaign reporting laws. (Ch. 1032)

S.J.R. 1272, a joint resolution honoring Duke University on winning its second straight NCAA Division I men's basketball championship. (Res. 75)

H.B. 172 (Senate Committee Substitute), an act to resume electing the Tax Collector of Mitchell County. (Ch. 1033)

H.B. 379 (Senate Committee Substitute), an act to increase the fine for persons convicted of driving more than fifteen miles per hour over the speed limit, to change the standard of proof in hearings and rehearings for involuntary commitment of persons found not guilty by reason of insanity. (Ch. 1034)

H.B. 1560, an act to modify the method of electing the County Commissioners of Robeson County so that the general election is within the districts previously established for nomination. (Ch. 1035)

S.B. 886 (Committee Substitute), an act to appropriate the balance of the funds from the proceeds of the already authorized two hundred million dollars in general obligation bonds authorized for the construction of State Prison and Youth Services Facilities and to modify the prison population cap. (Ch. 1036)

S.B. 1277, an act to limit the immunity held by members of the General Assembly. (Ch. 1037)

CALENDAR (Continued)

S.B. 1229 (House Committee Substitute No. 2), a bill to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina, high school insignia plates, out-of-state collegiate insignia plates, and military retiree plates, and to provide for the distribution of the income from these plates, which proposes to change the title, Conference Report, for adoption, which further proposes to change the title, upon third reading, placed earlier today on the Calendar for the next legislative day.

With unanimous consent, on motion of Senator Kaplan, the Senate reconsiders and the Conference Report is taken from the Calendar for the next legislative day and placed before the Senate.

The Chair rules the measure does not require a call of the roll, pursuant to Article II, Sec. 23, and the Conference Report remains before the Senate for adoption upon third reading.

On motion of Senator Kaplan, the Senate adopts the Conference Report on its third reading, changing the title.

The title changes and the Chair orders the House Committee Substitute bill No. 2 enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 1343 (Committee Substitute), an act to make appointments to various public offices upon the recommendation of the Speaker of the House of Representatives, and to amend certain statutes calling for various commissions to have one member from each of eleven congressional districts. (Ch. 1038)

H.B. 1568 (Senate Committee Substitute), an act to clarify the accounting treatment of certain fees and to correct cross references to the Current Operations Appropriations Act. (Ch. 1039)

S.B. 977 (Committee Substitute), an act to make appointments to public office upon the recommendation of the President *Pro Tempore* of the Senate and to correct an appointment. (Ch. 1040)

H.B. 508 (Senate Committee Substitute), an act to increase the punishment to a felony for fortification of a structure used for illegal controlled substance activity for the purpose of impeding law enforcement entry. (Ch. 1041)

S.B. 1229 (House Committee Substitute No. 2), an act to authorize the Division of Motor Vehicles to issue registration plates depicting various historical attractions in North Carolina, to authorize the Division of Motor Vehicles to issue out-of-state collegiate insignia plates and military retiree plates, and to provide for the distribution of the income from these plates. (Ch. 1042)

On motion of Senator Kaplan, seconded by Senator Odom, the Senate adjourns at 12 M. to meet tomorrow, July 25, at 12:05 A.M.

ONE HUNDRED FORTIETH DAY

SENATE CHAMBER,
Saturday, July 25, 1992.

The Senate meets pursuant to adjournment and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore* who presides in the absence of the Lieutenant Governor.

Prayer is offered by the Honorable James D. Speed, Senator from Franklin County, as follows:

"O God, our help in ages past, our hope in years to come, be now our Guide while life should last and our Eternal Home. O God, our help in sessions past, our hope for those to come, be now our Help while this one lasts, and guide us safely home. Amen."

Senator Kaplan, Vice-Chairman, for the **Rules and Operation of the Senate Committee** announces that the Journal of yesterday, July 24, has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

With unanimous consent, the President *Pro Tempore* grants a leave of absence for today to Senator Goldston, Senator Seymour, Senator Raynor, Senator Ward, Senator Winner, Senator Allran, Senator Cochrane, Senator Forrester, Senator Martin of Pitt, and Senator Carpenter.

Pursuant to the motion which prevailed on Thursday, July 2, the Chair orders measures sent to the House of Representatives by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1684

House of Representatives
July 24, 1992

Mr. President:

It is ordered that a message be sent informing your Honorable Body that the House of Representatives is honoring your request and is returning **HJR 1684** "A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT *SINE DIE* OF THE GENERAL ASSEMBLY", for further consideration by the Senate.

Respectfully,
S/Grace A. Collins
Principal Clerk

Senator Kaplan offers a motion that the vote by which the joint resolution, as amended, passed its third reading be reconsidered, which motion prevails, and the question becomes passage of the measure upon third reading.

Senator Kaplan offers a motion that the vote by which the joint resolution, as amended, passed its second reading be reconsidered, which motion prevails, and the question becomes passage of the measure upon second reading.

Senator Kaplan offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails, and the question becomes the adoption of Amendment No. 1.

With unanimous consent, Senator Kaplan withdraws Amendment No. 1.

Senator Kaplan offers Amendment No. 2 setting the time for adjournment, *sine die*, for 10:00 A.M. which is adopted (27-0).

The joint resolution, as amended, passes its second (27-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 2 by special messenger.

CALENDAR

A bill on the Calendar is taken up and disposed of, as follows:

H.B. 561 (Senate Committee Substitute), a bill to provide for the minimum standards, duties, and responsibilities of company police officers and company police agencies, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 27, noes 0, as follows:

Voting in the affirmative: Senators Ballance, Barnes, Basnight, Block, Bryan, Carter, Cooper, Daniel, Daughtry, Hartsell, Hyde, Johnson, Kaplan, Martin of Guilford, Murphy, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Sherron, Soles, Speed, Tally, and Walker—27.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill by special messenger.

The Senate recesses at 12:30 A.M. to reconvene at 12:45 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Henson P. Barnes, President *Pro Tempore*.

The Chair directs the Reading Clerk to read:

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE BUILDING
RALEIGH 27611

July 24, 1992

MEMORANDUM

TO: The Honorable Henson P. Barnes
President *Pro Tempore*
North Carolina Senate

From: Gerda B. Pleasants,
Senate Sgt.-at-Arms S/GBP

After 26 years with the General Assembly either as an Assistant Sgt.-at-Arms and your Sgt.-at-Arms, I now would like to announce my retirement effective at the end of my present term.

I am grateful for the opportunity of having served you, and I am especially honored to be the first woman elected to this office in the entire United States. Thank you for the confidence placed in me and for your loyal support over the years.

Thank you very much.

CONFERENCE REPORT

S.B. 1205 (House Committee Substitute)

Senator Basnight, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1205** (House Committee Substitute), a bill to modify the capital improvements appropriations for North Carolina for the 1992-93 Fiscal Year, to make other changes in the budget operation of the State, and to make technical corrections necessary to effect the budget operation of the State, submits the following report:

To the President of the Senate and the
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 1205, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CAPITAL IMPROVEMENTS APPROPRIATIONS FOR NORTH CAROLINA FOR THE 1992-93 FISCAL YEAR, TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, AND TO MAKE TECHNICAL CORRECTIONS NECESSARY TO EFFECT THE BUDGET OPERATION OF THE STATE, House Committee Substitute Favorable 7/23/92, Fourth Edition with unengrossed amendment.

wish to report as follows:

The Senate concurs in the House Committee Substitute Favorable 7/23/92 Fourth Edition with unengrossed amendment, with the following amendment: Delete the entire House Committee Substitute Favorable 7/23/92 Fourth Edition with unengrossed

amendment, and substitute the attached Proposed Conference Committee Substitute PCCS 4742.

The House of Representatives agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July, 1992.

S/Marc Basnight
S/George B. Daniel
S/Wendell H. Murphy
Kenneth C. Royall, Jr.
S/Robert G. Shaw

Conferees on the part of the Senate

S/David H. Diamont
S/Martin Nesbitt
S/Gerald L. Anderson
J. Fred Bowman
S/Marie Colton
N.J. Crawford
S/Ruth M. Easterling
Theresa H. Esposito
S/Bruce Ethridge
S/Aaron E. Fussell
S/Joe Hackney
S/Bertha M. Holt
S/Howard Hunter, Jr.
S/Nick Jeralds
S/John B. McLaughlin
George W. Miller, Jr.
S/Edd Nye
Harry E. Payne, Jr.
S/David Redwine
Johnathan L. Rhyne, Jr.

Conferees on the part of the House of Representatives

The text of the attached Proposed Conference Committee Substitute bill PCCS-4742 is as follows:

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE CAPITAL IMPROVEMENTS APPROPRIATIONS FOR NORTH CAROLINA FOR THE 1992-93 FISCAL YEAR, TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, AND TO MAKE TECHNICAL CORRECTIONS NECESSARY TO EFFECT THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

PART 1. INTRODUCTION

Section 1. The appropriations made by the 1992 General Assembly for capital improvements are for constructing, repairing, or renovating State buildings, utilities, and other capital facilities, for acquiring sites for them where necessary, and for acquiring buildings and land for State government purposes.

PART 2. TITLE

Sec. 2. This act shall be known as "The Capital Improvements Appropriations Act of 1992".

PART 3. PROCEDURES FOR DISBURSEMENTS

Sec. 3. The appropriations made by the 1992 General Assembly for capital improvements shall be disbursed for the purposes provided by this act. Expenditure of

funds shall not be made by any State department, institution, or agency, until an allotment has been approved by the Governor as Director of the Budget. The allotment shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes. Prior to the award of construction contracts for projects to be financed in whole or in part with self-liquidating appropriations, the Director of the Budget shall approve the elements of the method of financing of those projects including the source of funds, interest rate, and liquidation period. Provided, however, that if the Director of the Budget approves the method of financing a project, he shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Where direct capital improvement appropriations include the purpose of furnishing fixed and movable equipment for any project, those funds for equipment shall not be subject to transfer into construction accounts except as authorized by the Director of the Budget. The expenditure of funds for fixed and movable equipment and furnishings shall be reviewed and approved by the Director of the Budget prior to commitment of funds.

Capital improvement projects authorized by the 1992 General Assembly shall be completed, including fixed and movable equipment and furnishings, within the limits of the amounts of the direct or self-liquidating appropriations provided, except as otherwise provided in this act.

PART 4. CAPITAL IMPROVEMENTS/GENERAL FUND

Sec. 4. Appropriations are made from the General Fund for the 1992-93 fiscal year for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

Department of Administration	
(Total)	$8,605,600
1. New Revenue Building Equipment and Furnishings	4,978,900
2. Museum of History-Exhibits, Furnishings and Equipment	2,963,700
3. Museum of History-N.C. Sports Hall of Fame	475,000
4. Shelters and Seats-Government Center Complex	50,000
5. Acquisition of Charlotte Johnson Property-State Government Complex	138,000
Department of Agriculture	
(Total)	12,405,600
1. Museum of Natural Science-Planning	750,000
2. Western N.C. Agricultural Center	
a. Land Purchase	329,200
b. Temporary Stall Building	150,000
3. Western Farmers Market	
a. Winterize 2 Retail Buildings	126,400
4. Agronomic Lab Construction	7,500,000
5. Tidewater Research Station-Completion	1,000,000
6. Southeastern Farmers' Market-Shipping Point Facility	1,000,000
7. Piedmont Triad Farmers' Market-Development	1,000,000
8. Mountain Research Station Land Purchase	250,000
9. Eastern North Carolina Agriculture Center-Planning Funds	300,000
Department of Crime Control and Public Safety	
(Total)	615,000
1. Fayetteville Armory Requirements	2,295,000
Receipts-Federal & Local	1,980,000
State Appropriation	315,000
2. National Guard-Underground Storage Tanks-EPA Requirements	300,000

Department of Cultural Resources	
(Total)	795,000
1. Art Museum-Amphitheater Requirements	1,476,800
Receipts-Donations	1,476,800
State Appropriation	-
2. State Museum of the Albemarle - Restore Funding to Continue Development	150,000
3. Thomas Wolfe Memorial - Visitor's Center	645,000
Department of Environment, Health, and Natural Resources	
(Total)	9,269,400
1. N.C. Zoo - Final Phase of North America Requirements	6,887,800
Receipts - Private	1,061,800
State Appropriation	5,826,000
2. Water Resources Development Projects - Matching Funds	2,000,000
3. County Forestry Headquarters-Equipment/ Office Buildings-Warren County	228,300
-Cumberland County	215,100
4. State Parks-Land Purchases	500,000
-Repairs and Renovations	500,000
Department of Human Resources	
(Total)	13,251,800
1. Murdoch Center-Meadowview Cottage Renovation	1,546,500
2. Dix Campus-Male Wing Renovation	3,004,600
3. Umstead Hospital-New Psychiatric Unit	7,499,700
4. Western Carolina Center	
a. Reroof Walkways	699,800
b. Boiler Replacement	201,200
5. Eastern Regional Vocational Rehabilitation Facility - Repairs and Renovations	300,000
Department of Justice	
(Total)	1,537,745
1. State Bureau of Investigation-Critical Lab Repairs & Renovations	845,300
2. Justice Academy-Repairs & Renovations	692,445
University Board of Governors	
(Total)	40,202,300
1. North Carolina State University	
a. Centennial Center-Restore Funds for Site Preparation	2,000,000
b. Hazardous Waste Facility	2,722,300
c. Engineering Graduate Research Center - Phase I	2,200,000
d. Castle Hayne Horticultural Research Station-Restore Funds for Greenhouse and Support Facility	350,000
e. 4-H Camps-Repairs and Renovations	200,000
2. University of North Carolina at Chapel Hill	
a. School of Social Work	9,800,000
b. School of Business Administration	2,000,000
3. Fayetteville State University - Indoor Health and Physical Education Facility	8,880,000
4. East Carolina University - Complete Advance Planning for Joyner Library Addition	300,000
5. System-wide - Repairs and Renovations	11,750,000

Community Colleges	
1. Anson/Stanly - Restore funds for Union County Satellite	930,000
Office of State Budget & Management	
(Total)	7,593,125
1. Reserve for Repairs & Renovations-Statewide	5,343,125
2. Critical School Facility Needs Fund - To correct a discrepancy in the manner in which grants were made from this fund	2,000,000
3. Reserve to Match Local Matching Funds for Prison Chapels	250,000
TOTAL CAPITAL IMPROVEMENTS/GENERAL FUND	$95,205,570

PART 4A. NONRECURRING APPROPRIATIONS/GENERAL FUND

Sec. 4.1. Appropriations are made from the General Fund for the 1992-93 fiscal year for use by the State departments, institutions, and agencies to provide for one-time expenditures according to the following schedule:

1. UNC Board of Governors:	
a. Funds to link Appalachian State University and UNC-Wilmington to CONCERT Communications Network operated by MCNC.	$ 1,645,000
b. North Carolina State University-Patent Research Funds.	97,000
c. North Carolina State University-Study of cleanup requirements for former disposal site for hazardous waste near Carter-Finley stadium and reimbursement to EPA - Consent agreement	600,000
d. Area Health Education Centers-Funds to Contract for additional training of certified, registered nurse anesthetists	150,000
2. Community Colleges:	
a. Funds to purchase equipment and books.	5,000,000
b. Nursing Diploma Program Funds.	281,650
3. Cultural Resources:	
Grants for local arts/historic sites.	295,000
4. Department of Public Instruction:	
a. Funds to purchase equipment for end-of-year/end-of-course testing.	1,700,000
b. Equipment and non-recurring needs for Governor's School	50,000
5. Environment, Health, and Natural Resources:	
a. Governor's Waste Management Board: To provide a $100,000 technical assistance grant to Richmond, Chatham, and Wake Counties for their site designation review committee.	300,000
b. On-Site Wastewater-Support for studying on-site wastewater systems and demonstration projects.	50,000
c. Beaver Control Pilot Project for controlling beaver damage	100,000
6. Department of Human Resources:	
a. Head Start Program - Provide grants for new capital construction and for capital improvements to existing facilities	1,760,000
b. Vocational Rehabilitation Facilities - Funds for capital needs at community-based facilities that operate vocational rehabilitation services or Adult	

Developmental Activity Programs (ADAP). $154.00 per slot for 6,495slots. Each program shall submit a budget for these funds for approval to the Department of Human Resources.	1,000,000
c. Mental Health-First Step Farm for Women	202,880
d. Rural Health Recruitment Funds-Stipends for general medicine residents who serve underserved areas of the State	200,000
e. Mental Health Facility Funds-Grants to Area Mental Health programs up to a maximum of $200,000 per grant. Requires dollar for dollar county matching funds and departmental approval of applications	2,000,000
7. Department of Economic and Community Development: Industrial Building Renovation Fund - Continue economic assistance to local units of government.	500,000
8. Department of Agriculture:	
a. Provide for the development of a Grassroots Science Program by the Museum of Natural Sciences to serve local museums and nature centers (one-time grant-in-aid of $50,000 to each of the State's nine science museums).	450,000
9. Board of Elections: One-time appropriation for support for mail registration.	77,500
10. Department of Administration - State Construction Division - Conduct a feasibility study to determine cost of constructing and operating a State Veterans Home	15,000
11. General Assembly - Reserve for State Government Performance Audit Committee	500,000
12. Office of State Budget and Management:	
a. Reserve for expenses involved in moving the Departments of Education, Revenue, and Secretary of State and the Office of State Construction and Office of State Controller	750,000
b. Center for Community Self-Help Funds for Statewide Lending program for small businesses and economic development in rural, depressed, and disadvantaged communities	2,000,000
c. N.C. Equity - Grant-in-aid for support of health and economic development activities	65,000
d. Housing Trust Funds - Support to provide housing for persons of very low, low, and moderate income	2,000,000
e. Laurinburg-Maxton Airport Commission - Grant-in-Aid for Impact and Engineering Studies for Industrial Park Expansion	250,000
f. Reserve for the implementation of federal OSHA standards regarding bloodborne pathogens	1,000,000
g. Motor Voter Registration Reserve to be transferred to Division of Motor Vehicles	55,400
h. Piedmont Triad Regional Water Authority - Grant-in-aid to purchase land for the Randleman Lake/Dam Project.	500,000
TOTAL NONRECURRING/GENERAL FUND	$ 23,594,430
GRAND TOTAL GENERAL FUND	$118,800,000

PART 5. OFFICE OF STATE BUDGET AND MANAGEMENT

Requested by: Senators Basnight, Plyler,
Representatives Ethridge, H. Hunter

LOCAL WATER/SEWER FUNDS

Sec. 5. (a) Notwithstanding the provisions of Sections 3 and 28 of Chapter 689 of the 1991 Session Laws, the Office of State Budget and Management shall transfer four million four hundred thousand dollars ($4,400,000), from the funds appropriated to the Reserve for Reimbursements to Local Governments and Shared Tax Revenues for the 1992-93 fiscal year, to the Clean Water Revolving Loan and Grant Fund created in G.S. 159G-5.

(b) Notwithstanding the provisions of G.S. 105-116, the Secretary of Revenue shall reduce the amount to be transferred to municipalities on or before December 15, 1992, pursuant to G.S. 105-116(d), by an amount equal to three million three hundred thousand dollars ($3,300,000). The Secretary of Revenue shall allocate this reduction on a pro rata basis among the municipalities entitled to receive a quarterly installment pursuant to G.S. 105-116(d) on or before December 15, 1992.

(c) Notwithstanding the provisions of G.S. 105-113.82, the Secretary of Revenue shall reduce the amount to be distributed to counties and cities for the 1992-93 fiscal year pursuant to G.S. 105-113.82 by an amount equal to one million one hundred thousand dollars ($1,100,000). The Secretary of Revenue shall allocate this reduction on a pro rata basis among the counties and cities entitled to receive a distribution pursuant to G.S. 105-113.82 for the 1992-93 fiscal year.

(d) The General Assembly finds that the purpose of the allocation provided in this section is to meet the funding needs of local governments for water supply and wastewater treatment facilities, as requested by local governmental units.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

REPAIRS AND RENOVATIONS/OLD EDUCATION AND REVENUE BUILDINGS

Sec. 6. The Joint Legislative Commission on Governmental Operations may study and make recommendations to the Office of State Budget and Management and to the Office of State Construction of the Department of Administration on repairs and renovations to the Old Education and Old Revenue Buildings. In conducting its study, the Commission shall make recommendations pertaining to the following:

(1) The amount to be expended from the Reserve for Repairs and Renovations for expediting the relocation of State agencies currently occupying leased space into the Old Education and Old Revenue Buildings;
(2) Which of the State agencies currently occupying leased space should be moved into the Old Education and Old Revenue Buildings;
(3) The extent to which repairs and renovations are needed immediately and those that may be needed in the future, and whether such repairs and renovations may be phased in over a period of time; and
(4) Any other recommendations the Commission deems appropriate for ensuring that repairs and renovations to the Old Education and Old Revenue Buildings are carried out expeditiously and efficiently.

Requested by: Senator Martin of Guilford,
Representative Pope

N.C. EQUITY/FUND REQUIREMENTS

Sec. 6.1. (a) Funds appropriated in this act to the Office of State Budget and Management for a grant-in-aid to North Carolina Equity shall not be used by N.C. Equity for engaging in advocacy or lobbying activities to support or oppose legislation proposed, pending, or otherwise under consideration by the General Assembly or any of its study committees or commissions. This section shall not prohibit representatives of

N.C. Equity from testifying before or providing information requested by the General Assembly or any of its study committees or commissions.

(b) N.C. Equity shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of funds allocated to it under this act.

Requested by: Senators Basnight, Plyler,
Representatives Diamont, Nesbitt

BUDGET REFORM STATEMENTS/APPROPRIATIONS ADJUSTMENTS

Sec. 6.2. The General Fund appropriations availability upon which the modifications contained in this act to the General Fund budget for the 1992-93 fiscal year are based is one hundred eighteen million eight hundred thousand dollars ($118,800,000). This amount is comprised of the following components:

(1) 1991-92 Revenue Collections:	
a. Budgeted	$ 7,647,025,000
b. Actual (latest estimate)	7,638,025,000
c. Difference	(9,000,000)
(2) 1991-92 Unexpended Appropriations	
a. Reversions	169,000,000
Estimated June 30, 1992 Credit Balance	160,000,000
(3) Earmarked for Savings Reserve	(40,000,000)
(4) Credit Balance used in Chapter 900, 1991 Session Laws	(1,200,000)

Requested by: Senator Basnight,
Representatives Nesbitt, Diamont

RESERVE FOR IMPLEMENTATION OF FEDERAL OSHA REGULATIONS REGARDING BLOODBORNE PATHOGENS/USE OF FUNDS

Sec. 6.3. Funds appropriated in this act to the Office of State Budget and Management for the implementation of the federal OSHA regulations regarding bloodborne pathogens shall be used only to support the cost of testing, inoculations, personal protective equipment, and required clean-up equipment and supplies for employees who are subject to these regulations and only if adequate funds are not available for these purposes. They shall not be used as planning money or for salaries for any new positions or for any other purpose than specifically authorized by this section.

The Office of State Budget and Management shall report to the 1993 General Assembly by March 1, 1993, on the expenditure of these funds.

PART 6. GENERAL ASSEMBLY

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

EXTENSION OF THE TERRITORIAL JURISDICTION OF THE LEGISLATIVE SERVICES COMMISSION

Sec. 7. (a) G.S. 120-32.1 reads as rewritten:

"**§ 120-32.1. Use and maintenance of buildings and grounds.**

(a) The Legislative Services Commission ~~shall determine policy governing the use of the State Legislative Building and the State office building located at the northeast corner of Lane and Salisbury streets. The Commission shall allocate space within those buildings and the grounds encompassed by Jones, Wilmington, Lane and Salisbury streets; be responsible for the maintenance, security, control and care of those buildings; and promulgate rules and regulations governing the use of those buildings and their facilities. The Commission may delegate the actual work of maintenance of those buildings to the Department of Administration, which shall provide such maintenance services as may be delegated, subject to the direction of the Commission.~~ shall:

(1) Establish policy for the use of the State legislative buildings and grounds;
(2) Maintain and care for the State legislative buildings and grounds, but the Commission may delegate the actual work of the maintenance of those buildings and grounds to the Department of Administration, which shall perform the work as delegated;
(3) Provide security for the State legislative buildings and grounds;
(4) Allocate space within the State legislative buildings and grounds; and
(5) Have the exclusive authority to assign parking space in the State legislative buildings and grounds.

(b) ~~The rules and regulations promulgated~~ The Legislative Administrative Officer shall have posted the rules adopted by the Legislative Services Commission under the authority of this section ~~shall be posted~~ in a conspicuous place in the State Legislative ~~Building, and in the State office building located at the northeast corner of Lane and Salisbury streets, and~~ Building and the Legislative Office Building. The Legislative Administrative Officer shall have filed a copy of the rules ~~and regulations and all amendments thereto,~~ certified by the chairman of the Legislative Services Commission, ~~shall be filed~~ in the office of the Secretary of State and in the office of the Clerk of the Superior Court of Wake County. When so posted and filed, these rules ~~and regulations~~ shall constitute notice to all persons of the existence and text of the ~~rules and regulations.~~ rules. Any person, whether on his own behalf or for another, or acting as an agent or representative of any person, firm, corporation, partnership or association, who knowingly violates any of the rules ~~or regulations promulgated,~~ adopted, posted and filed under the authority of this section is guilty of a ~~misdemeanor,~~ misdemeanor and upon conviction ~~or a plea of guilty~~ shall be punished by a fine or imprisonment in the discretion of the court, or by both such fine and imprisonment. Any person, firm, corporation, partnership or association who combines, confederates, conspires, aids, abets, solicits, urges, instigates, counsels, advises, encourages or procures another or others to knowingly violate any of the rules and ~~regulations promulgated,~~ adopted, posted and filed under the authority of this section is guilty of a misdemeanor and upon conviction ~~or a plea of guilty~~ shall be punished by a fine or imprisonment in the discretion of the court, or by both such fine and imprisonment.

(c) ~~When the General Assembly is in regular or extra session, the Legislative Services Commission shall have exclusive authority to assign parking space in the State Legislative Building and upon its grounds, as "grounds" is defined in G.S. 120-32.3 [120-32.2], and the State Legislative Building security force shall have exclusive authority and responsibility for enforcing the parking rules and regulations of the Legislative Services Commission.~~ The Legislative Services Commission may cause to be removed at the owner's expense any vehicle parked in the State ~~Legislative Building or on its grounds~~ legislative buildings and grounds in violation of the rules ~~and regulations~~ of the Legislative Services ~~Commission,~~ Commission and ~~during regular or extra sessions of the General Assembly~~ may cause to be removed any vehicle parked in any State-owned parking space leased to an employee of the General Assembly where the vehicle is parked without the consent of the employee to whom the space is leased.

(d) For the purposes of this section, the term 'State legislative buildings and grounds' means:

(1) At all times:
a. The State Legislative Building and the area between outer walls of the State Legislative Building and the near curbline of those sections of Jones, Wilmington, Lane, and Salisbury Streets which border land on which the State Legislative Building is situated;
b. The Legislative Office Building and the areas between its outer walls and the near curbline of those sections of Lane and Salisbury Streets that border the land on which it is situated;
c. Any State-owned parking lot which is leased to the General Assembly; and

d. The bridge between the State Legislative Building and the State Governmental Mall.

(2) In addition, the surface area to the far curbline of those sections of Jones, Wilmington, Lane, and Salisbury Streets which border the land on which the State Legislative Building is situated:

a. When the General Assembly is in regular or extra session; and

b. On other days on which one or more standing committees of either or both houses of the General Assembly are meeting and the Legislative Administrative Officer determines that additional parking is needed for the functioning of the General Assembly and files notice of the committee's or committees' meetings and his finding that additional parking is needed in the office of the Secretary of State and that of Clerk of the Superior Court of Wake County."

(b) G.S. 120-32.2 reads as rewritten:

"**§ 120-32.2. State Legislative Building special police.**

All members of the State Legislative Building security force employed by the Legislative Services Office are special policemen, and within the State ~~Legislative Building and upon its grounds~~ legislative buildings and grounds, as defined in G.S. 120-32.1(d), they shall have all the powers of policemen of ~~incorporated towns.~~ cities.

~~As used in this section, "grounds" means the area between the outer walls of the State Legislative Building and the near curbline of those sections of Jones, Wilmington, Lane and Salisbury streets which border the land on which the State Legislative Building is situated. When the General Assembly is in regular or extra session, the term "grounds" also includes the surface to the far curbline of those sections of Jones, Wilmington, Lane and Salisbury streets which border the land on which the State Legislative Building is situated and any state-owned parking lot which is leased to the General Assembly while the General Assembly is in session.~~

~~The jurisdiction of the State Legislative Building security force shall also include the State office building located at the northeast corner of Lane and Salisbury streets and the area between the outer walls of that building and the near curbline of those sections of Lane and Salisbury streets that border the land on which the building is located.~~

The Legislative Building security force has the exclusive authority and responsibility for enforcing the parking rules of the Legislative Services Commission."

(c) This section becomes effective October 1, 1992, but does not affect the validity of rules adopted by the Legislative Services Commission under the prior law.

Requested by: Senator Martin of Pitt,
Representatives Nesbitt, Diamont

RAILROAD ADVISORY COMMISSION MEMBERSHIP CHANGE

Sec. 8. Section 3.1 of Chapter 754 of the 1991 Session Laws reads as rewritten:

"Sec. 3.1. There is created the Railroad Advisory Commission. The Commission shall consist of ~~12~~ 10 members, appointed as follows:

(1) Two members appointed by the Governor, one of whom shall be knowledgeable about the railroad business and one of whom shall be an advocate of passenger rail service;

(2) The Speaker of the House of Representatives or another member of the House of Representatives serving as the Speaker's designee, and two other members of the House of Representatives appointed by the Speaker of the House of Representatives;

(3) The President Pro Tempore of the Senate or another member of the Senate serving as the President Pro Tempore's designee, and two other members of the Senate appointed by the President Pro Tempore of the Senate;

(4) The Secretary of Transportation, or a member of his staff appointed by the Secretary of Transportation; and

(5) The State Treasurer, or a member of his staff appointed by the ~~Treasurer;~~ Treasurer.

~~(6) Two officers or directors of the North Carolina Railroad Company appointed by its Board of Directors.~~

The Attorney General or the Attorney General's designee shall also participate and attend meetings of the Commission in accordance with Section 3.12 of this Part."

Requested by: Senator Martin of Guilford,
Representatives Nesbitt, Diamont

JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS/FARMERS MARKET STUDY/WATER RESOURCES PROJECTS STUDY

Sec. 9. The Joint Legislative Commission on Governmental Operations may study the feasibility of funding farmers markets and water resources development projects for which appropriations have been previously requested. The study may include but is not limited to the following:

(1) Piedmont Triad Farmers Market,
(2) Southeastern Farmers Market,
(3) Northeastern Farmers Market,
(4) Randleman Dam, and
(5) Oregon Inlet Jetties.

The Commission may report its findings and recommendations to the 1993 General Assembly.

Requested by: Senator Martin of Guilford,
Representatives Nesbitt, Diamont

TECHNICAL CORRECTIONS/CHAPTER 900 - CURRENT OPERATIONS APPROPRIATIONS ACT OF 1992

Sec. 9.1. (a) Section 41 of Chapter 900, 1991 Session Laws, is amended by deleting the phrase "G.S. 7A-171.1(4)" and substituting the phrase "G.S. 7A-171.1(a)(4)".

(b) This section is effective July 1, 1992.

Sec. 9.2. (a) Section 136(a) of Chapter 900, 1991 Session Laws, reads as rewritten:

"(a) Of the funds appropriated in this act to the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, the sum of nine million dollars ($9,000,000) for the 1992-93 fiscal year shall be expended in accordance with the plans developed by the Mental Health Study Commission and adopted by the General Assembly.

These funds shall be allocated as follows:

(1)	Services for the mentally ill	$3,000,000;
(2)	Services for the developmentally disabled	~~$3,000,000;~~ $3,000,000; and
(3)	Services for substance abusers	$3,000,000.

(b) This section is effective July 1, 1992.

Sec. 9.3. Section 180 of Chapter 900, 1991 Session Laws, reads as rewritten:

"(a) Except where expressly repealed or amended by this act, the provisions of Chapters 689, 742, 760, 761, and 812 of the 1991 Session Laws remain in effect.

(b) Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1992-93 fiscal year in Chapters 689, 742, 760, 761, and 812 of the 1991 Session Laws that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations and budget reductions of this act for those same particular purposes."

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

PERFORMANCE AUDIT AUDIO AND VIDEO NETWORK STUDY

Sec. 9.4. (a) As part of its audit and evaluation of State Information processing and telecommunications system policy, organization, and management, the Government Performance Audit Committee shall study:

(1) The operations of the audio, video, and data communications networks of the Department of Administration Agency for Public Telecommunications;
(2) The operations of the audio, video, and data communications networks of the Microelectronics Center of North Carolina;
(3) The operations of the audio and video networks of the North Carolina Center for Public Television;
(4) The operations of the voice and data communications networks in the Office of State Controller State Telecommunications Office;
(5) The operations of the communications networks managed by the Educational Computing Service, University of North Carolina-General Administration;
(6) The operations of any data and video communications networks managed by the Department of Public Instruction; and
(7) The operations of any data and video communications networks within the Community College System.

(b) This study shall address:

(1) The governance structures of the networks;
(2) The services provided by the networks;
(3) The uses of the networks;
(4) The alternatives for coordinating the governance, operations, oversight, and funding of the networks to keep them operating in the leading edge of technology insofar as practical and in such a manner to reduce areas of service duplication;
(5) The need for funding KU-Band retrofitting in the facilities of the Agency for Public Telecommunications; and
(6) The need for purchasing and installing satellite receiving equipment in public libraries throughout the State for use with the Agency for Public Telecommunications and other information technology providers.

(c) The Government Performance Audit Committee shall include a final report on the topics mentioned in this section, other findings, and recommendations for legislation in its final report to the 1993 General Assembly. It shall also submit 12 copies of its report to the North Carolina Information Resources Management Commission.

PART 6.1. DEPARTMENT OF REVENUE

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

CORRECT INVENTORY TAX REIMBURSEMENT AMOUNT

Sec. 9.5. (a) G.S. 105-275.1(b) reads as rewritten:

"(b) Subsequent Distributions. — As soon as practicable after January 1, 1990, the Secretary shall pay to each county and city the amount it received under subsection (a) in 1989 plus an amount equal to the county or city average rate multiplied by the value of the items described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the county or city, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce. As soon as practicable after January 1, 1990, the Secretary shall also pay to each county and city an amount equal to the average rate for each special district for which the county or city collected taxes in 1987, but whose tax rates were not included in the county or city's

rates, multiplied by the value of the items described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the district, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce. As soon as practicable after January 1, 1991, except as provided in subsection (f), the Secretary shall pay to each county and city the amount it received under this section the preceding year plus an amount equal to the county or city average rate multiplied by the value of the items described in subdivision (v) of subsection (a) contained in the list submitted by the county or city, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce. As soon as practical after January 1, 1992, except as provided in subsection (f), the Secretary shall distribute to each county and city the amount it received under this section the preceding year. On or before April 30, 1993, except as provided in subsection (f), the Secretary shall distribute to each county and city ninety-nine and eighty-one one-hundredths percent (99.81%) of the amount it received under this section the preceding year. Thereafter, except as provided in subsection (f), ~~as soon as practicable after January 1~~ on or before April 30 of each year, the Secretary shall distribute to each county and city the amount it received under this section the preceding year.

Of the funds received by each county and city pursuant to this subsection in 1990, the portion that was received because the county or city was collecting taxes for a special district (either because the district's tax rate was included in the city or county's rate or because the Secretary paid the county or city the product of the district's average rate and the value of the inventories and other items in the district) shall be distributed among the districts in the county or city as soon as practicable after the city or county receives the funds. The county or city shall distribute to each special district in the county or city the amount it distributed to the district in 1989 plus an amount equal to the average rate for the district multiplied by the value of the items, other than inventory, described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the district, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce.

Each year thereafter, as soon as practicable after receiving funds under this subsection, every county and city shall distribute among the special districts for which the county or city collects tax an amount equal to the amount it distributed among such districts the previous year. The Local Government Commission may adopt rules for the resolution of disputes and correction of errors in the distribution among special districts provided in this subsection. In addition, the Local Government Commission may adopt rules for the reallocation of funds when a special district is dissolved, merged, or consolidated, or when a special district ceases to levy tax, either temporarily or permanently."

(b) G.S. 105-275.1(f) reads as rewritten:

"(f) Correction of Errors. — If the Secretary discovers that the amount or value of any inventories or other items listed by a county or city pursuant to subsection (a) of this section was overstated or understated, the Secretary shall adjust the amount to be distributed under subsection (b) as follows. For the distribution to be made in the year following discovery of the overstatement or understatement, the Secretary shall distribute to the county or city the amount it would have received under subsection (b) in ~~1990~~ 1993 if it had not overstated or understated the amount or value of any inventories or other

items, plus the total amount it failed to receive in 1989 and subsequent years due to understatement of the amount or value of the inventories or other items, or minus the total amount it received in 1989 and subsequent years due to overstatement of the amount or value of the inventories or other items. Thereafter, each year the Secretary shall distribute to the county or city the amount it would have received under subsection (b) in ~~1990~~ 1993 if it had not overstated or understated the amount or value of any inventories or other items."

PART 7. DEPARTMENT OF ADMINISTRATION

Requested by: Senator Basnight,
Representatives Nesbitt, Diamont

NORTH CAROLINA AQUARIUMS COMMISSION

Sec. 10. (a) Article 9 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 8C. North Carolina Aquariums Commission.

"§ 143B-390.15. North Carolina Aquariums Commission — creation.

There is hereby created the North Carolina Aquariums Commission.

"§ 143B-390.16. North Carolina Aquariums Commission — organization, powers, and duties.

(a) The Commission shall consist of 12 members appointed as follows:

(1) Four members appointed by the Governor, including one member designated by the Governor to serve as chair of the Commission and one member appointed upon recommendation of the North Carolina Aquarium Society, Inc., who resides in one of the counties where the North Carolina Aquariums are located: Carteret, Dare, and New Hanover.

(2) Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, including one member appointed upon the recommendation of the North Carolina Aquarium Society, Inc., who resides in another of the counties where the North Carolina Aquariums are located: Carteret, Dare, and New Hanover.

(3) Four members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, including one member appointed upon the recommendation of the North Carolina Aquarium Society, Inc., who resides in another of the counties where the North Carolina Aquariums are located: Carteret, Dare, and New Hanover.

(b) Commission members shall serve for terms of four years, beginning July 1, 1992, and may be removed at any time by the appointing authority. If a vacancy on the Commission occurs, the appointing authority shall appoint a replacement to serve for the unexpired term.

(c) The Commission shall meet upon the call of the chair.

(d) The Secretary of Administration shall provide staff support for Commission activities and travel reimbursement for Commission members.

(e) The Commission may recommend a schedule of uniform fees for the North Carolina Aquariums to the Secretary of the Department of Administration who may adopt the schedule. The schedule may be revised from time to time by the same procedure.

(f) The North Carolina Special Aquariums Fund, hereafter 'Fund', is hereby created, and shall be a special and nonreverting fund. The Fund shall be used only for repair, maintenance, and educational exhibit construction at existing aquariums. The Fund may also be used to match private funds that are raised for these purposes.

(g) All entrance fee receipts shall be credited to the Fund. The Secretary of Administration may expend monies from the Fund only upon the authorization of the General Assembly."

(b) G.S. 120-123 is amended by adding a new subdivision to read:
"(59) The North Carolina Aquariums Commission, as established by G.S. 143B-390.15."

Requested by: Senator Lee,
Representatives Nesbitt, Diamont

STUDY COMMUTING BY STATE EMPLOYEES

Sec. 10.1. The Department of Administration shall, in consultation with the Department of Transportation, study and recommend methods for encouraging State employees to use public transit, including carpools and vanpools, in commuting to work. The Department of Administration shall report its findings and recommendations to the 1993 General Assembly by March 15, 1993.

Requested by: Senator Martin of Guilford,
Representatives Nesbitt, Diamont

STATE VETERANS HOME STUDY

Sec. 11. Of the funds appropriated in this act to the Department of Administration, the sum of fifteen thousand dollars ($15,000) for the State Construction Office shall be used to complete a feasibility study to determine the cost of constructing and operating a 240-bed domiciliary and skilled nursing care State Veterans Home on a site adjacent to the Fayetteville Veterans Administration Medical Center on land donated by the Veterans Administration. This study shall be made in consultation with the Division of Veterans Affairs, Department of Administration. The State Construction Office shall furnish to the 1993 General Assembly and to the Fiscal Research Division of the Legislative Services Office a completed feasibility study along with its recommendations by April 1, 1993.

PART 8. DEPARTMENT OF CULTURAL RESOURCES

Requested by: Senator Basnight

GRANTS FOR LOCAL ARTS/HISTORIC SITES

Sec. 12. Of the funds appropriated in this act to the Department of Cultural Resources for grants for local arts/historic sites, the sum of thirty thousand dollars ($30,000) shall be allocated to the Eastern Music Festival to support activities commemorating the thirtieth anniversary of the Festival, the sum of fifty thousand dollars ($50,000) shall be allocated to the North Carolina Shakespeare Festival for equipment and other purposes, and a sufficient sum shall be allocated for the addition of an auditorium for the Visitors Center at the Charles B. Aycock Historic Site.

Requested by: Senator Martin of Guilford,
Representative Redwine

BRUNSWICKTOWN STATE HISTORIC SITE/USE RECEIPTS

Sec. 13. Notwithstanding Chapter 146 of the General Statutes, the net proceeds derived from the sale of timber or other land products owned at the Brunswicktown State Historic Site shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Cultural Resources. The Department of Cultural Resources shall use these funds to replace the visitor center exhibits installed in 1967 at Brunswicktown, to provide additional site archaeology at Brunswicktown, and to make other improvements at the Brunswicktown State Historic Site. These funds shall remain available until June 30, 1995, and shall not revert until that time.

PART 8.1. SALARIES AND BENEFITS

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

EMPLOYER FICA SAVINGS TO PAY ADMINISTRATIVE COSTS OF DEPENDENT CARE PROGRAM AND FLEXIBLE COMPENSATION PROGRAM

Sec. 14. (a) G.S. 143-34.1(c) reads as rewritten:

"(c) The Director of the Budget is authorized to provide eligible officers and employees of State departments, institutions, and agencies not covered by the provisions of G.S. 116-17.2 a program of dependent care assistance as available under Section 129 and related sections of the Internal Revenue Code of 1986, as amended. The Director of the Budget may authorize State departments, institutions, and agencies to enter into annual agreements with employees who elect to participate in the program to provide for a reduction in salary. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Director decide to contract with a third party to administer the terms and conditions of a program of dependent care assistance, he may select a contractor only upon a thorough and completely competitive procurement process."

(b) G.S. 115C-441.1 reads as rewritten:

"**§ 115C-441.1. Dependent care assistance program.**

The State Board of Education is authorized to provide eligible employees of local school administrative units a program of dependent care assistance as available under Section 129 and related sections of the Internal Revenue Code of 1986, as amended. The State Board may authorize local school administrative units to enter into annual agreements with employees who elect to participate in the program to provide for a reduction in salary. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the State Board decide to contract with a third party to administer the terms and conditions of a program of dependent care assistance, it may select a contractor only upon a thorough and completely competitive procurement process."

(c) G.S. 115D-25.1 reads as rewritten:

"**§ 115D-25.1. Dependent care assistance program.**

The State Board of Community Colleges is authorized to provide eligible employees of constituent institutions a program of dependent care assistance as available under Section 129 and related sections of the Internal Revenue Code of 1986, as amended. The State Board may authorize constituent institutions to enter into annual agreements with employees who elect to participate in the program to provide for a reduction in salary. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the State Board decide to contract with a third party to administer the terms and conditions of a program of dependent care assistance, it may select a contractor only upon a thorough and completely competitive procurement process."

(d) G.S. 116-17.1 reads as rewritten:

"**§ 116-17.1. Dependent care assistance program.**

The Board of Governors of The University of North Carolina is authorized to provide eligible employees of constituent institutions a program of dependent care assistance as available under Section 129 and related sections of the Internal Revenue Code of 1986, as amended. The Board of Governors may authorize constituent institutions to enter into annual agreements with employees who elect to participate in the program to provide for a reduction in salary. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Board of Governors decide to contract with a third party to administer the terms and conditions of a program of dependent care assistance, it may select a contractor only upon a thorough and completely competitive procurement process."

(e) G.S. 143-34.1(d) reads as rewritten:

"(d) Notwithstanding any other provisions of law relating to the salaries of officers and employees of departments, institutions, and agencies of State government, the Director of the Budget is authorized to provide a plan of flexible compensation to eligible officers and employees of State departments, institutions, and agencies not covered by the provisions of G.S. 116-17.2 for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees and officers under Article 1A of Chapter 120 of the General Statutes and Articles 1, 3, 4, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the Director of the Budget may authorize State departments, institutions, and agencies to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Director of the Budget decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

(f) G.S. 115C-341.1 reads as rewritten:

"**§ 115C-341.1. Flexible Compensation Plan.**

Notwithstanding any other provisions of law relating to the salaries of employees of local boards of education, the State Board of Education is authorized to provide a plan of flexible compensation to eligible employees of local school administrative units for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the State Board may authorize local school administrative units to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the State Board decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

(g) G.S. 115D-25.2 reads as rewritten:

"**§ 115D-25.2. Flexible Compensation Plan.**

Notwithstanding any other provisions of law relating to the salaries of employees of community college boards of trustees, the State Board of Community Colleges is authorized to provide a plan of flexible compensation to eligible employees of constituent institutions for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the State Board may authorize constituent institutions to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may

be used to pay some or all of the administrative expenses of the program. Should the State Board decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

(h) G.S. 116-17.2 reads as rewritten:

"§ 116-17.2. Flexible Compensation Plan.

Notwithstanding any other provisions of law relating to the salaries of employees of The University of North Carolina, the Board of Governors of The University of North Carolina is authorized to provide a plan of flexible compensation to eligible employees of constituent institutions for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the Board of Governors may authorize constituent institutions to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Board of Governors decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

(i) Subsections (a) through (d) of this section are effective January 1, 1990. Subsections (e) through (h) of this section are effective January 1, 1991. Subsections (a) through (h) of this section shall expire December 31, 1993.

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

SALARY INCREASE CORRECTION

Sec. 15. Section 46(e) of Chapter 900 of the 1991 Session Laws reads as rewritten:

"(e) Within regular Executive Budget Act procedures as limited by this act, all State agencies and departments ~~may~~ shall increase on an equitable basis the rate of pay of temporary and permanent hourly State employees, subject to availability of funds in the particular agency or department, by pro rata amounts of the forty-three dollars and fifty cents ($43.50) per month salary increase provided for permanent full-time employees covered by the provisions of subsection (a) of this section, commencing July 1, 1992."

Requested by: Senators Basnight, Plyler,
Representatives Nesbitt, Diamont

WRITTEN DISCIPLINARY PROCEEDINGS

Sec. 16. Section 49(c) of Chapter 900, Session Laws of 1991, reads as rewritten:

"(c) The salary increases provided in this Part are to be effective July 1, 1992 and do not apply to persons separated from State service due to resignation, dismissal, reduction in force, death, or retirement, whose last workday is prior to July 1, 1992, or to employees involved in a final written disciplinary ~~procedures.~~ procedure. The employee shall receive the increase on a current basis when the final written disciplinary procedure is resolved.

Payroll checks issued to employees after July 1, 1992, which represent payment for services provided prior to July 1, 1992, shall not be eligible for salary increases provided for in this act. This subsection shall apply to all employees, subject to or exempt from the State Personnel Act, paid from State funds, including public schools, community colleges, and The University of North Carolina."

Requested by: Senators Basnight, Block,
Representatives Nesbitt, Diamont

BENEFIT ADJUSTMENTS/DISABILITY INCOME PLAN

Sec. 17. Effective on and after July 1, 1992, the Department of State Treasurer and the Board of Trustees of the Teachers' and State Employees' Retirement System shall, under the same terms and conditions as appear in G.S. 135-108, increase the compensation upon which the short-term and long-term benefits are calculated by an amount equal to the same dollar amount granted to employees of the State.

PART 8.2. STATE BOARD OF ELECTIONS

Requested by: Senator Martin of Guilford,
Representative Michaux

VOTER PARTICIPATION AMENDMENTS-MAIL REGISTRATION

Sec. 18. (a) Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-72.4. Registration by mail.

(a) In addition to any other procedure provided by this Article, a person may apply by mail under this section to do any or all of the following:

(1) Register to vote;

(2) Change party affiliation or unaffiliated status;

(3) Report a change of address within a county;

(4) Report a change of name.

(b) The State Board of Elections shall develop a registration by mail form, which shall request sufficient information to enable officials of the county where a person resides to satisfactorily process the application for any purpose permitted under subsection (a) of this section. The State Board of Elections shall print sufficient copies of the form so that they may be publicly distributed. Registration forms shall be available from the State Board of Elections and county boards of elections, and may be distributed by any person. The single form shall permit all of the purposes listed under subsection (a) of this section to be carried out by filling in the appropriate information and marking boxes to indicate the action requested.

(c) In order to be valid, the registration form shall be signed by the applicant. To be valid for an election, the form must be postmarked at least 30 days before the election. The application form shall request the applicant's telephone number to assist the appropriate board of elections in contacting the voter if needed in processing the application. The application shall require the voter to state if the voter is currently registered to vote anywhere, and at what address, so that any prior registration can be cancelled. If that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163-72.2.

(d) The application shall ask for political party affiliation and briefly explain the law relating to party affiliation with respect to voting in primary elections.

(e) Reports received under this section of:

(1) Change in party affiliation shall be processed as if made under G.S. 163-74(b);

(2) Change of address within a county shall be processed as if made under G.S. 163-72.2(c); and

(3) Change of name shall be processed as if made under G.S. 163-69.1;

except for the different deadline imposed under subsection (c) of this section.

(f) Any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony. The application shall state in clear language the penalty for violation of this subsection.

(g) Upon receipt of any or all of the following:

(1) An application to register;

(2) A change of party affiliation;

(3) A report of address change;

(4) A report of change of name

under this section, the county board of elections shall send to the postal address on the registration form a notice of registration, or a notice of change of party affiliation, address, or name. The notice shall include an assignment of precinct and polling place, or a reminder of precinct and polling place if the voter is reporting only a change of party affiliation or name. The county board of elections shall send the notice by nonforwardable first-class mail. If the notice is returned as undeliverable, the county board of elections shall send a second nonforwardable first-class mailing. If that notice is returned as undeliverable, the county board of elections shall cancel the registration if it has been approved and shall reject it if it has not yet been approved.

(h) If a registration form is a duplicate of a registration already made, it shall not be processed, and the applicant shall be so notified. The notification shall include the voter's precinct and polling place.

(i) If the voter has listed a previous registration not in that county, the county board of elections shall treat it as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163-72.1(c) through (e).

(j) The application shall require that the applicant pay the full postage required by federal law, except that if federal law provides that it may be carried without postage, the application shall contain the appropriate franking language to allow it to be carried without postage."

(b) Of the funds appropriated from the General Fund to the State Board of Elections in this act, the sum of seventy-seven thousand five hundred dollars ($77,500) for the 1992-93 fiscal year shall be used to implement the mail registration provisions of subsection (a) of this section.

(c) Subsection (a) of this section becomes effective July 1, 1993. Subsection (b) of this section is effective July 1, 1992.

Requested by: Senator Martin of Guilford,
Representative Michaux

VOTER PARTICIPATION AMENDMENTS-MOTOR VOTER/MANDATED ANNUAL REGISTRATION DRIVE

Sec. 19. (a) G.S. 163-81 reads as rewritten:

"**§ 163-81. Driver license examiners ~~authorized~~ to accept applications to register voters.**

(a) Notwithstanding any other provision of law, ~~the State Board of Elections is authorized to appoint as special registration commissioners duly appointed driver license examiners of the Division of Motor Vehicles.~~

~~The State Board of Elections may appoint such number of license examiners as it deems necessary as special registration commissioners, and the persons appointed shall serve at the pleasure of the State Board of Elections, and may be removed as a registration commissioner at any time for any reason satisfactory to the Board.~~

~~Before entering upon the duties of the office each special registration commissioner shall take the oath of office prescribed in Section 7 of Article VI of the North Carolina Constitution.~~ drivers license examiners are ex officio special registration commissioners for the purpose of this section. No additional oath is required.

(b) Special registration commissioners appointed under this section are authorized to accept applications to register persons who are qualified for registration regardless of that person's voting precinct or county of residence in the State. The special registration commissioners appointed pursuant to this section ~~shall possess those qualifications set forth in G.S. 163-41(b), and~~ shall have the same authority to accept applications to register voters as is conferred upon registration officials in this Chapter.

(c) The Division of Motor Vehicles shall, pursuant to the rules ~~and regulations~~ adopted by the State Board of Elections, ~~afford a~~ modify its forms so that any eligible person who applies for original issuance, renewal or correction of a driver's license or special identification card issued under G.S. 20-37.7 may, on a part of the form, ~~an opportunity to~~ complete an application to register to vote or to update his registration if

the voter has changed his address or moved from one precinct to another or from one county to another. Any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony. The application shall state in clear language the penalty for violation of this subsection. The necessary forms shall be prescribed by the State Board of Elections. All applications shall be forwarded by the Department of Transportation to the appropriate county board of elections. The form must ask for the previous voter registration address of the voter, if any. If a previous address is listed, and it is not in the county of residence of the applicant, the appropriate county board of elections shall treat the application as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163-72.1(c) through (e). If a previous address is listed and that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163-72.2.

Registration shall become effective as provided in G.S. 163-67(a). Applications to register to vote accepted by a special registration commissioner under this section until the deadline established in G.S. 163-67(a) shall be treated as timely made for an election, and no person who applies to that special registration commissioner shall be denied the vote in that election for failure to apply earlier than that deadline.

(d) The State Board of Elections is authorized to promulgate rules ~~and regulations~~ necessary to implement the provisions of this section."

(b) G.S. 163-80 reads as rewritten:

"**§ 163-80. Officers authorized to register voters.**

(a) Only the following election officials shall be authorized to register voters:

(1) Any member of a county board of elections who has been duly appointed pursuant to G.S. 163-22(c) and properly installed as required by G.S. 163-30 and 163-31.

(2) The supervisor of elections of a county board of elections appointed pursuant to the provisions of G.S. 163-35.

(3) Precinct registrars and judges of election appointed pursuant to the provisions of G.S. 163-41.

(4) Special registration commissioners appointed pursuant to the authority and limitation contained in G.S. 163-41(b), or serving ex officio pursuant to G.S. 163-81.

(5) Full-time and salaried deputy supervisors of elections employed by the county board of elections and who work under the direct supervision of the board's supervisor of elections appointed pursuant to the provisions contained in G.S. 163-35.

(6) Local public library employees designated by the governing board of such public library to be appointed by the county board of elections as special library registration deputies. Appointment of such deputies is mandatory for libraries covered by G.S. 153A-272; appointment is optional for other libraries. Persons appointed under this subsection shall be given the oath contained in G.S. 163-41(b), and shall be authorized to accept applications to register on those days and during those hours said special deputies are on duty with their respective libraries. If, for good and valid reasons, the local public library director shall request that the county board of elections appoint 'replacement' special library registration deputies before the two-year term ends, the county board of elections shall do so.

(7) Public high school employees appointed under this subdivision. A local board of education may, but is not required to, designate high school employees to be appointed by the county board of elections as special high school registration commissioners. Only employees who volunteer for this duty, and who are acceptable to the county board of elections, may be designated by boards of education. A special high school registration commissioner may register voters only while on duty as a high school employee and only at times

and under arrangements approved by the local school board of education. A person appointed under this subdivision shall take the oath prescribed in G.S. 163-41(b).

(b) All election officials authorized to register voters under authority of this section shall not be authorized to register voters who reside outside the boundaries of their respective counties except in those specific instances involving municipalities which lie within the boundaries of two or more counties and except as provided by G.S. 163-81. The State Board of Elections shall have authority to promulgate rules for the processing of voters in such instances.

(c) All election officials authorized by this section to register voters shall register any qualified voter without regard to political party affiliation and without discrimination in any manner whatsoever.

(d) The State Board of Elections shall promulgate rules for the proper training of those persons qualifying under this section as registrars."

(c) Of the funds appropriated from the General Fund to the Office of State Budget and Management in this act, the sum of fifty-five thousand four hundred dollars ($55,400) for the 1992-93 fiscal year shall be used to implement the voter registration provisions of subsections (a) and (b) of this section.

(d) Subsections (a) and (b) of this section become effective on January 1, 1994, or the date on which the Division of Motor Vehicles has in place the necessary equipment to enforce those sections, whichever date is earlier. Subsection (c) of this section is effective July 1, 1992.

(e) Article 7 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-82. Mandated registration drive.

The Governor shall proclaim as Citizens Awareness Month the month designated by the State Board of Elections during every even-numbered year. During that month, the State Board of Elections shall initiate a statewide voter registration drive and shall adopt rules under which county boards of elections shall conduct the drives. Each county board of elections shall participate in the statewide registration drive in accordance with the rules adopted by the State Board."

(f) Subsection (e) of this section becomes effective January 31, 1993.

PART 9. PUBLIC SCHOOLS

Requested by: Senator Basnight

SCHOOL CRITICAL NEEDS FUNDS

Sec. 20. The General Assembly finds that when the Commission on School Facility Needs established a schedule in 1988 for making grants from the Critical School Facility Needs Fund, in accordance with G.S. 115C-489.2(b), the data, although lawful, that the Commission used to determine per capita income was not the most current data available at the time that the Commission established the schedule. As a result of discrepancies in the data, the Tyrrell County School Administrative Unit was ranked 57th on the schedule instead of 32nd, and the Tyrrell County School Administrative Unit has not received the grant it would have received had the most current data been used. To remedy this problem, funds are appropriated in this act from the General Fund to the Office of State Budget and Management for the Critical School Facility Needs Fund in the sum of two million dollars ($2,000,000) for the 1992-93 fiscal year for a grant for the Tyrrell County Schools.

Requested by: Senator Hunt

OUTCOME-BASED EDUCATION PILOT SITE SELECTION

Sec. 21. G.S. 115C-238.14(e) reads as rewritten:

"(e) The State Board of Education shall select four of the project sites no later than June 15, 1992. The State Board shall base its decision on the local school administrative units' plans for, ability to, and commitment to complying with the requirements for local programs set out in subsection (c) of this section.

Because there is not enough time for the State Board of Education to select the additional two pilot sites authorized by the 1992 Regular Session of the 1991 General Assembly and for those two sites to begin implementation of the program during the 1992-93 school year, the remaining two pilot sites are hereby designated as the sites recommended to the Board by the State Superintendent at its regular July meeting."

Requested by: Senator Conder

EDUCATION STAFFING CLARIFIED

Sec. 22. (a) G.S. 115C-21(a)(7), as enacted by Section 6(g) of Chapter 812 of the 1991 Session Laws, reads as rewritten:

"(7) To have solely under his direction and control all matters relating to provision of staff services and support to the State Board of Education, including implementation of federal programs on behalf of the State Board of Education, except as otherwise provided in the Current Operations Appropriations Act."

(b) This section is effective upon ratification.

Requested by: Senator Conder,
Representatives Fussell, Payne

COMPUTER LOAN REVOLVING FUND

Sec. 23. (a) Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 32B."

Computer Loan Revolving Fund.

"§ 115C-472.5. Creation of the Fund; administration.

(a) The Department of Public Instruction shall administer the Computer Loan Revolving Fund. The Fund shall be used to provide loans to local school administrative units to enable them to purchase computer equipment to implement the Uniform Education Reporting System in accordance with the standards adopted by the State Board of Education pursuant to G.S. 115C-12(18).

(b) A loan shall be for the actual amount of the equipment up to a maximum to be determined by the Superintendent.

(c) Loans shall be evidenced by notes made payable to the Department of Public Instruction. The rate, term, and other conditions of the note shall be determined in accordance with uniform policies established by the Superintendent.

(d) The Department of Public Instruction shall report to the Information Resource Management Commission, the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division, and the State Government Performance Audit Committee on an annual basis on all loans made from the fund."

(b) There is appropriated from the State Literary Fund to the Department of Public Education the sum of one million five hundred thousand dollars ($1,500,000) for the 1992-93 fiscal year for the Computer Loan Revolving Fund created in subsection (a) of this section.

This section shall become effective only to the extent that funds are available in the State Literary Fund in addition to the funds in the amount of one million dollars ($1,000,000) appropriated in Section 65 of Chapter 900 of the 1991 Session Laws.

PART 10. COMMUNITY COLLEGES

Requested by: Senator Richardson,
Representatives Fussell, Payne

ASSISTANCE TO HOSPITAL NURSING/FUND DISTRIBUTION CONTINUED

Sec. 24. (a) Funds appropriated in this act to the Department of Community Colleges to provide financial assistance to hospital programs of nursing education leading to diplomas in nursing that are fully accredited by the North Carolina Board of Nursing and operated under the authority of a public or nonprofit hospital licensed by the

North Carolina Medical Care Commission shall be distributed, upon application for financial assistance, for each full-time student duly enrolled in the program as of December 1, 1991, and on condition that accreditation is maintained. The amount per student shall not exceed eight hundred fifty dollars ($850.00). The State Board of Community Colleges shall adopt rules to ensure that this financial assistance is used directly for faculty and instructional needs of diploma nursing programs. These funds shall not be included in the 1993-95 capital budget request.

(b) This section expires June 30, 1993.

Requested by: Representative Easterling

CERTAIN REFUGEES STATE RESIDENTS FOR COMMUNITY COLLEGE TUITION PURPOSES

Sec. 25. (a) G.S. 115D-39 reads as rewritten:

"**§ 115D-39. Student tuition and fees.**

The State Board of Community Colleges shall fix and regulate all tuition and fees charged to students for applying to or attending any institution pursuant to this Chapter.

The receipts from all student tuition and fees, other than student activity fees, shall be State funds and shall be deposited as provided by regulations of the State Board of Community Colleges.

The legal resident limitation with respect to tuition, set forth in G.S. 116-143.1 and G.S. 116-143.3, shall apply to students attending institutions operating pursuant to this Chapter; provided, however, that when an employer other than the armed services, as that term is defined in G.S. 116-143.3, pays tuition for an employee to attend an institution operating pursuant to this Chapter and when the employee works at a North Carolina business location, the employer shall be charged the in-State tuition rate. Notwithstanding these requirements, a refugee who lawfully entered the United States and who is living in this State shall be deemed to qualify as a domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident for community college tuition purposes as defined in G.S. 116-143.1(a)(2)."

(b) This section does not apply to migrant workers.

(c) The State Board of Community Colleges shall report to the 1993 General Assembly by March 15, 1993, on the implementation of this section and on its effects.

(d) This section applies beginning with the 1992-93 fall quarter and expires June 30, 1993, unless extended by the General Assembly.

PART 11. COLLEGES AND UNIVERSITIES

Requested by: Senator Basnight

HIGH DENSITY POLYESTER PATENT RESEARCH AND TECHNOLOGY TRANSFER COMPLETION

Sec. 26. Of the funds appropriated to the Board of Governors of The University of North Carolina in this act, the sum of ninety-seven thousand dollars ($97,000) shall be allocated to North Carolina State University for completion of the research and technology transfer of high density polyester for which patent applications are pending. These funds shall be repaid to the General Fund from royalties paid the North Carolina State University Patent Reserve Fund from the companies licensed to use the patents.

Requested by: Senator Conder

NORTH CAROLINA STATE UNIVERSITY ENGINEERING GRADUATE RESEARCH CENTER/FUNDING

Sec. 27. Funds appropriated in this act for the Engineering Graduate Research Center at North Carolina State University may be used with previously appropriated funds to begin Phase I site development and foundation construction on this facility.

Requested by: Senator Ward
Representatives Fussell, Payne

NURSE ANESTHETIST TRAINING FUNDS

Sec. 28. Of the funds appropriated to the Board of Governors of The University of North Carolina for the 1992-93 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to allow the Area Health Education Center program to contract with the Raleigh School of Nurse Anesthesia for training of certified, nurse anesthetists.

FAYETTEVILLE STATE PHYSICAL EDUCATION FACILITY

Sec. 29. The Board of Governors of The University of North Carolina may allocate funds from the Reserve for Repairs and Renovations to cover any increase in costs on the Fayetteville State University Indoor Health and Physical Education Facility due to changes in code requirements since design completion.

PART 12. DEPARTMENT OF TRANSPORTATION

Requested by: Senator Goldston,
Representatives Holt, McLaughlin

1992 CAPITAL CONSTRUCTION MODIFICATIONS

Sec. 30. Section 236.1 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 236.1. Appropriations are made from the Highway Fund for the 1991-92 fiscal year and the 1992-93 fiscal year for use of the Department of Transportation to provide for capital improvement projects according to the following schedule:

DIVISION OF HIGHWAYS

		1991-92		1992-93
01.	Bridge Maintenance Office Complex Supplemental - Town of Brunswick	$224,000		$ -
02.	Equipment Shop - Carthage	-		2,247,000
03.	Bridge Maintenance Complex - Wadesboro	26,000		439,000
04.	Gas Pump Canopies - Statewide	398,000	~~311,000~~	-
05.	Fencing - Statewide	171,000		-
06.	Land Acquisition - Siler City	~~54,000~~		-
07.	Land Acquisition/Maintenance Yard - Halifax	13,000		-
08.	Land Acquisition/Maintenance Yard - Trenton	27,000		-
09.	Water and Sewer Connections			
	-Statewide	308,000		-
	-Greene County Facility	400,000		-
10.	Division Office Complex Phase II - Fayetteville	-		1,688,000
11.	Division Office Addition - Greensboro			
	Requirements	589,000		
	Less Receipts (Sale of Land)	-589,000		
	Appropriation	-		-
12.	Landscape Office, Warehouse and Truck Shed - Asheville			
	Requirements	472,000		
	Less Receipts (Sale of Land)	-472,000		
	Appropriation	-		-
13.	Salt Storage Buildings - Statewide	405,000	~~67,000~~	-
14.	Equipment Shop - Mocksville	511,000		-
15.	District Office Building - Albemarle	49,000	~~247,000~~	333,000
16.	Division of Highways/Division of Motor Vehicles Office Complex - Graham	67,000		-

17.	Sign Shop - Town of Union	-	~~725,000~~	-
18.	Design Equipment Shop - Meadows	-	~~41,000~~	52,000
19.	Design Equipment Shop - Spindale	-	~~24,000~~	40,000
20.	Design Equipment Shop - Washington	-	~~40,000~~	49,000
21.	Design Equipment Shop - Wentworth	-	~~44,000~~	54,000
22.	Bridge Maintenance Warehouse/Shed - Town of Union	-	~~81,000~~	-
23.	Design Sign Shop - Carthage	-	~~33,000~~	42,000
24.	Design District/Resident Engineer Office - Marion	-	~~18,000~~	49,000
25.	Design Equipment Shop - Kinston	-	~~43,000~~	49,000
26.	Land Purchase - Robbinsville	-		17,000
27.	Land Purchase - Roxboro	-		17,000
28.	District/Resident Engineers Office-Wilmington	-		434,000
29.	Roadside Environmental Warehouse/ Office - Marion	-		188,000
30.	Maintenance Office/Assembly - Hudson	-		309,466
31.	Division Office (Supplement) - Durham	-		85,000
32.	Materials and Test Lab Design-Asheville	-		34,000
33.	Highway Building - Fire Alarm System - Raleigh	-		141,000
TOTAL DIVISION OF HIGHWAYS		~~$2,653,000~~ $2,599,000	~~$6,048,000~~	$6,267,466

DIVISION OF MOTOR VEHICLES

		1991-92	1992-93
01.	Upgrade Electrical Power, Communication and Computer Circuits - Raleigh Division of Motor Vehicles Building	$ 216,200	$ -
02.	Building Addition - Wilmington	221,900	-
03.	Building Addition - Statesville	170,075	-
04.	New Office Building - Asheville	635,100	-
05.	Roof Replacement (7 Locations)	100,500	-
06.	Resurface Parking Lots (6 Locations)	107,500	-
07.	Roof Replacement (7 Locations)	-	103,100
08.	Resurface Parking Lots (6 Locations)	-	111,900
09.	Building Addition - Goldsboro	-	167,630
10.	Building Addition - Whiteville	-	164,770
11.	Building Addition - Hillsborough	-	179,200
12.	Building Addition - Kinston	-	179,200
13.	Building Addition - Jacksonville	-	174,800
14.	Reserve to Make Restrooms Handicapped Accessible in DMV Facilities	25,000	25,000
TOTAL DIVISION OF MOTOR VEHICLES		$1,476,275	$1,105,600

CRIME CONTROL AND PUBLIC SAFETY

01.	State Highway Patrol - Troop H Headquarters - New Building	$190,000	$1,348,900
02.	State Highway Patrol - Upgrade and Replace Underground Fuel Tanks	300,000	300,000
TOTAL CRIME CONTROL AND PUBLIC SAFETY		$ 490,000	$1,648,900
GRAND TOTAL HIGHWAY FUND		~~$4,619,275~~ $4,565,275	~~$8,802,500~~ $9,021,966"

Requested by: Senator Goldston,
Representatives Holt, McLaughlin

DEPARTMENT OF TRANSPORTATION CAPITAL CONSTRUCTION FUNDS REVERSIONS

Sec. 31. (a) The balance of fifty-four thousand dollars ($54,000) appropriated for land acquisition in Siler City in Section 236.1 of Chapter 689 of the 1991 Session Laws is reverted to the Highway Fund to be reappropriated for the 1992-93 fiscal year.

(b) The balance of one hundred eleven thousand nine hundred dollars ($111,900) appropriated to landscape the office and warehouse in Graham in Section 6 of Chapter 754 of the 1989 Session Laws is reverted to the Highway Fund to be reappropriated for the 1992-93 fiscal year.

(c) The balance of fifty-three thousand five hundred sixty-six dollars ($53,566) for the maintenance complex in Craggy (Buncombe County) in Section 5 of Chapter 480 of the 1985 Session Laws is reverted to the Highway Fund to be reappropriated for the 1992-93 fiscal year.

Requested by: Senator Plyler,
Representatives Holt, McLaughlin

MOBILE CRANE STUDY

Sec. 32. The Department of Transportation shall study the requests of the mobile crane industry as compared to current rules, regulations, and policies regarding permitted movement of self-propelled truck cranes. A report detailing the results of this study shall be submitted to the Joint Legislative Highway Oversight Committee prior to the convening of the 1993 Session of the General Assembly.

Requested by: Senator Plyler,
Representatives Holt, McLaughlin

TRAFFIC CONTROL FUNDS

Sec. 33. Effective until January 1, 1993, G.S. 20-79.7(b) reads as rewritten:

"(b) (Reserved) ~~Initial Distribution of Proceeds. — After deducting the costs of the special registration plates from the Fund, the Secretary of Transportation may allocate and reserve up to one hundred thousand dollars ($100,000) to the Department of Transportation each fiscal year for the purpose of traffic control at major events as provided for by G.S. 136-44.2. Any funds allocated for traffic control that are neither used nor obligated at the end of the fiscal year shall remain in the Fund and be used in accordance with subsection (c) of this section.~~"

Sec. 34. Effective January 1, 1993, G.S. 20-79.7(b), as amended by Chapter 1042 of the 1991 Session Laws, reads as rewritten:

"(b) Distribution of Fees. — The Special Registration Plate Account and the Collegiate and Historical Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) among the Special Registration Plate Account (SRPA), the Collegiate and Historical Attraction Plate Account (CHAPA), and the Recreation and Natural Heritage Trust Fund (RNHTF), which is established under G.S. 113-77.7, as follows:

Special Plate	SRPA	CHAPA	RNHTF
Historical Attraction	$10	$20	0
In-State Collegiate Insignia	$10	$15	0
Out-of-state Collegiate Insignia	$10	0	$15
Personalized	$10	0	$10
All other Special Plates	$10	0	0

~~After deducting the costs of the special registration plates from the Special Registration Plate Account, the Secretary of Transportation may allocate and reserve up to one hundred thousand dollars ($100,000) to the Department of Transportation each fiscal~~

~~year for the purpose of traffic control at major events as provided for by G.S. 136-44.2. Any funds allocated for traffic control that are neither used nor obligated at the end of the fiscal year shall remain in the Special Registration Plate Account and be used in accordance with subsection (c) of this section.~~"

Sec. 35. G.S. 136-44.2 reads as rewritten:

"**§ 136-44.2. Budget and appropriations.**

The Director of the Budget shall include in the 'Current Operations Appropriations Bill' an enumeration of the purposes or objects of the proposed expenditures for each of the construction and maintenance programs for that budget period for the State primary, secondary, urban, and State parks road systems. The State primary system shall include all portions of the State highway system located outside municipal corporate limits which are designated by N.C., U.S. or Interstate numbers. The State secondary system shall include all of the State highway system located outside municipal corporate limits that is not a part of the State primary system. The State urban system shall include all portions of the State highway system located within municipal corporate limits. The State parks system shall include all State parks roads which are not also part of the State highway system.

All construction and maintenance programs for which appropriations are requested shall be enumerated separately in the budget. Programs that are entirely State funded shall be listed separately from those programs involving the use of federal-aid funds. Proposed appropriations of State matching funds for each of the federal-aid construction programs shall be enumerated separately as well as the federal-aid funds anticipated for each program in order that the total construction requirements for each program may be provided for in the budget. Also, proposed State matching funds for the highway planning and research program shall be included separately along with the anticipated federal-aid funds for that purpose.

Other program categories for which appropriations are requested, such as, but not limited to, maintenance, channelization and traffic control, bridge maintenance, public service and access road construction, and ferry operations shall be enumerated in the budget.

The Department of Transportation shall have all powers necessary to comply fully with provisions of present and future federal-aid acts. No federally eligible construction project may be funded entirely with State funds unless the Department of Transportation has first consulted with the Joint Legislative Commission on Governmental Operations. For purposes of this section, 'federally eligible construction project' means any construction project except secondary road projects developed pursuant to G.S. 136-44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether or not federal funds are actually available.

The 'Current Operations Appropriations Bill' shall also contain the proposed appropriations of State funds for use in each county for maintenance and construction of secondary roads, to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State funds appropriated for secondary roads shall not be transferred nor used except for the construction and maintenance of secondary roads in the county for which they are allocated pursuant to G.S. 136-44.5 and 136-44.6.

In the event receipts and increments to the State Highway Fund shall be more than the appropriations made for the preceding fiscal year, such excesses shall be allocated by the Director of the Budget to the Department of Transportation for school and industrial access roads and unforeseen happenings or state of affairs requiring prompt action, with fifty percent (50%) of the balance to be allocated to the State secondary roads program on the basis of need as determined by the Department of Transportation and the remaining fifty percent (50%) to be allocated in accordance with G.S. 136-44.5.

The Department of Transportation may provide for costs incurred or accrued for traffic control measures to be taken by the Department at major events which involve a high degree of traffic concentration on State highways, and which cannot be funded from regular budgeted items. This authorization applies only to events which are expected to

generate 30,000 vehicles or more per day. The Department of Transportation shall provide for this funding by allocating and reserving up to one hundred thousand dollars ($100,000) before any other allocations from the appropriations for State maintenance for primary, secondary, and urban road systems are made, based upon the same proportion as is appropriated to each system."

Requested by: Senator Barnes,
Representatives Holt, McLaughlin

AIR CARGO APPROPRIATION REIMBURSEMENT REPEALED

Sec. 36. Section 2.1 of Chapter 749 of the 1991 Session Laws is repealed.

Requested by: Senator Goldston,
Representatives Holt, McLaughlin

MODIFICATION TO CURRENT OPERATIONS — HIGHWAY FUND

Sec. 37. Section 4 of Chapter 900 of the 1991 Session Laws reads as rewritten:

"CURRENT OPERATIONS/HIGHWAY FUND

Sec. 4. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the fiscal year ending June 30, 1993, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the Highway Fund for these purposes for the 1992-93 fiscal year. Amounts set out in brackets are reductions from Highway Fund appropriations for the 1992-93 fiscal year.

Current Operations-Highway Fund	1992-93
Department of Transportation	
01. Administration	$ 3,694,922
02. Division of Highways	
a. State Construction	
(01) Secondary Construction	446,402
(02) Urban Construction	(1,000,000)
(03) Spot Safety Improvements	(2,000,000)
b. State Funds to Match Federal Highway Aid	
(01) Construction	(18,000,000)
c. State Maintenance	
(01) Secondary	(559,204)
(02) Contract Resurfacing	(15,000,000)
d. Ferry Operations	(1,000,000)
03. Division of Motor Vehicles	4,252,600
04. State Aid to Municipalities	446,402
05. Salary Adjustments for Highway Fund Employees	(59,344)
06. Reserve to Continue DOT Merit Salary Increases	(86,143)
07. Reserve for Salary Increases	7,045,254
08. Reserve for State Employee Health Benefit Plan	(2,675,722)
09. Transfer to General Fund for Reimbursement for Sales Tax Exemption	700,000
10. Reserve for Air Cargo	2,500,000
Appropriations for Other State Agencies	
01. Crime Control and Public Safety	(603,913)
02. Revenue	86,968
03. Agriculture	169,806
~~03.~~ 04. Environment, Health, and Natural Resources	~~(86,968)~~ (256,774)
GRAND TOTAL CURRENT OPERATIONS/HIGHWAY FUND	$ (21,898,746)"

Requested by: Senator Goldston,
Representative Diamont

ASSIGNMENT OF DEPARTMENT OF TRANSPORTATION MOTOR VEHICLES WITHOUT MINIMUM MILEAGE REQUIREMENTS

Sec. 38. For the 1992-93 fiscal year only, all State owned passenger motor vehicles which are permanently assigned to the Division of Highways of the Department of Transportation field personnel only, are exempt from the minimum mileage utilization requirements of G.S. 143-341(8)i.7a. This exemption is allowed in order to study the unique responsibilities of Division of Highways field employees, compared to other State employees, with regard to complying with regulations for having a permanently assigned vehicle.

The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Highway Oversight Committee, and the Fiscal Research Division of the Legislative Services Office, beginning October 1, 1992, for the preceding quarter, on:

(1) The use of these vehicles, including:
   a. A list of the employees to whom these vehicles are assigned;
   b. Their job classifications; and
   c. The round-trip mileage from their home to the nearest official work station other than the project site;
(2) The number of vehicles not driven the required minimum mileage;
(3) The certified overtime hours worked by these employees, listed by highway district; and
(4) The savings realized by not having to meet the minimum mileage requirements.

Requested by: Senator Goldston,
Representative Holt

EXTEND LIABILITY PROTECTION FOR DEPARTMENT OF TRANSPORTATION PERSONNEL AND BOARD OF TRANSPORTATION MEMBERS

Sec. 39. (a) Article 31A of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-300.10. Payment of excess damages relating to unconstitutional goals program.

In an action to which this Article applies, the State shall pay the excess amount of a judgment or settlement under G.S. 143-300.6 for damages against a State employee or member of a State board or commission for enforcing or administering a goals program promoting participation by disadvantaged businesses, minority businesses, and women businesses, in contracts let by a State department or agency that is held unconstitutional. The excess amount is the amount of the judgment or settlement over (i) the limit provided in G.S. 143-300.6(a) and (ii) any coverage under G.S. 58-32-15. This section does not waive the sovereign immunity of the State with respect to any claim."

(b) This section applies to any litigation challenging the constitutionality of a goals program and pending before a court on or after the date of ratification of this act.

Requested by: Senator Goldston,
Representatives Ethridge, Smith

CARTERET COUNTY NAUTICAL CENTER

Sec. 40. From funds appropriated to the Department of Transportation for fiscal year 1992-93 and allocated for the construction of a Visitors Center in Morehead City, the Department of Transportation shall use unspent funds allocated to construction of the Visitors Center for construction of a Nautical Center in Beaufort, North Carolina.

PART 13. DEPARTMENT OF CORRECTION

Requested by: Senators Plyler, Marvin,
Representatives Redwine, Anderson, H. Hunter

PRISON BOND REALLOCATION/ADMINISTRATION CHANGES

Sec. 41. (a) Section 239(c) of Chapter 689 of the 1991 Session Laws reads as rewritten:

"(c) **Descriptions, Custodial Levels, Beds, Projected Allocations.** Appropriations are made from bond proceeds for use by the Departments of Correction and Human Resources to provide for capital improvement projects as herein provided.

The proceeds of bonds and notes shall be expended for paying the cost, as defined in the bond act, of prison and youth services facilities, to the extent and as provided in this section and subject to change as herein provided, for the following projects:

DEPARTMENT OF CORRECTION

Project Description	Custodial Level	Beds
Nash Correctional Institution	~~Med~~ Close	128
Marion Correctional Center	~~Med~~ Close	~~906~~ 752
Cherry Correctional Center	Min	500
~~Central Prison~~	~~Close~~	~~144~~
Odom Correctional Institution	Close	192
Pasquotank Youth Institution	~~Med~~ Close	~~440~~ 664
NCCIW	Close/Med	256
NCCIW - Repairs and Renovations		
Lumberton Correctional Center	Med	312
Fountain Correctional Center	Min	100
Greene Correctional Center	Min	200
~~Hyde Correctional Center~~	~~Med~~	~~312~~
Brown Creek Sewing Plant		
Pender Furniture Refurbishing Facility		
~~Columbus Sewing Facility~~		
Caswell Sewing and Tailoring Equipment		
Harnett Dining Hall		
Provide dayrooms at 49 units to comply with Small v. Martin lawsuit		
Subtotal	~~3,298~~ 3,104 ~~$96,980,702~~	$101,380,310
Contingencie	~~6,399,608~~	2,000,000
TOTAL		$103,380,310

DEPARTMENT OF HUMAN RESOURCES-DIVISION OF YOUTH SERVICES

7 Secure/nonsecure group homes	
9 beds added to Pitt Detention Ctr.	
Renovate unused dorms & upgrade to meet American Correctional Association Standards	
Dillon secure unit, counseling space, & fencing at 5 facilities	
Conversion of dorms to individual rooms	
Increase number of transition beds - step down & independent living for Training Schools	
	$9,119,690"

(b) Section 239(f) of Chapter 689 of the 1991 Session Laws reads as rewritten:

"(f) **Administration.** With respect to facilities authorized for the Department of Correction, the Office of State Budget and Management may contract for and supervise

all aspects of administration, technical assistance, design, construction or demolition of prison facilities in order to implement the providing of prison facilities under the provisions of this act without being subject to the requirements of the following statutes and rules implementing those statutes: G.S. 143-135.26(1), 143-128, 143-129, 143-131, 143-132, 143-134, 143-135.26, ~~143-64.10 through 143-64.13,~~ 113A-1 through 113A-10, 113A-50 through 113A-66, ~~133-1.1(b),~~ 133-1.1(g), and 143-408.1; provided, however, of the funds allocated under the provisions of this act for the construction of prison facilities, the Office of State Budget and Management shall have a verifiable ten percent (10%) goal for participation by minority and women-owned businesses. All contracts for the design, construction, or demolition of prison facilities shall include a penalty for failure to complete the work by a specified date.

The proposals for prison facilities authorized in this section shall be invited by advertisement in newspapers having general circulation in the State. The form of advertisement shall be prepared in the form of Section 301 of the State Construction Manual of the Department of Administration, and shall be published in one issue of the newspaper. A minimum of at least seven full days shall lapse between the date of publication and the date of the opening of bids. Initiation of the advertisement shall be by the Office of State Budget and Management.

The Office of State Budget and Management shall consider alternative delivery systems that could expedite the delivery of prison facilities. Such delivery systems as design-build, using modular or conventional building systems, shall be considered. However, in order for such alternatives to be used, the Department of Correction must approve the proposed design for operational programming and cost of operations and maintenance.

The Office of State Budget and Management shall involve the Office of State Construction of the Department of Administration in all aspects of the projects to ensure that all prison facilities are constructed consistent with Office of State Construction standards and procedures. Such involvement shall include but not be limited to the review of plans and specifications for each project prior to the award of contracts, attendance at scheduled project meetings, on-site inspections, review of all change orders, final inspections, review of punch lists of project deficiencies and written verification of the correction of such deficiencies, and certification of the identity of the designer of record on each project.

The Office of State Budget and Management shall involve the Department of Correction in all aspects of the projects to the extent that such involvement relates to the Department's Program needs and to its responsibility for the care of the prison population.

The Office of State Construction, the Department of Insurance, and the Department of Correction shall immediately report any concerns regarding the prison construction program to the Office of State Budget and Management. Any concerns not satisfactorily resolved with the Office of State Budget and Management shall be reported immediately to the Joint Legislative Commission on Governmental Operations. The Office of State Construction, the Department of Insurance, and the Department of Correction shall report quarterly to the Joint Legislative Commission on Governmental Operations on their involvement with the Office of State Budget and Management and the project manager in the prison construction program."

Requested by: Senator Marvin,
Representative Redwine

COLUMBUS SEWING FACILITY

Sec. 42. (a) Section 239(g) of Chapter 689 of the 1991 Session Laws reads as rewritten:

"(g) **Changes.** To the extent that funds are not required to be expended for the specific projects described in this section, appropriations authorized herein may be used to construct, reconstruct, or renovate prison industrial and forestry enterprise, facilities, as mentioned in G.S. 148-2, at prison facilities statewide, as replacement projects, and

to make necessary prison facility repairs and renovations but no such funds may be used for operating expenditures. The first priority for the use of funds not required to be expended for the specific projects described in this section shall be for the construction of the sewing facility at Columbus Correctional Center. Prior to taking any action under subsection (g), the Governor may consult with the Advisory Budget Commission."

(b) In the event that funds are not available from the prison bond allocations made in Section 239 of the 1991 Session Laws to construct the sewing facility at Columbus Correctional Center, the Department of Correction shall make available from the profits of the North Carolina Correction Enterprises Revolving Fund funds sufficient for the construction of the sewing facility at Columbus Correctional Center.

Requested by: Senator Parnell,
Representatives Redwine, Anderson

PERMIT DEPARTMENT OF CORRECTION TO HIRE TEMPORARY EMPLOYEES

Sec. 43. Notwithstanding G.S. 143-16.3, for the 1992-93 fiscal year only, the Director of the Budget may authorize the Department of Correction, Division of Adult Probation and Parole, to hire temporary employees to work on data entry.

Requested by: Senator Parnell,
Representative Nesbitt

PRISON CHAPEL RESERVE

Sec. 44. A Reserve for Prison Chapels is established in the Office of State Budget and Management to construct chapels at correctional facilities. The funds are to be allocated to specific chapel projects when a minimum local match of one dollar for every two State dollars needed for the estimated project cost is made available. No more than fifty thousand dollars ($50,000) of State funds shall be allocated to any single project.

The Department of Correction shall notify all prison units of the availability of these funds and shall solicit letters of intent from interested units. The Department shall evaluate the letters of intent for proposed chapel projects, notify those prison units whose projects appear most likely to obtain local matching funds during the 1992-93 fiscal year, and authorize those units to proceed based upon the total availability of State funds. The Department shall notify the Office of State Budget and Management of those units that have been authorized to proceed.

The Office of State Budget and Management shall report quarterly to the Joint Legislative Commission on Governmental Operations on any allocations from the reserve established in this section.

PART 14. DEPARTMENT OF HUMAN RESOURCES

Requested by: Senators Martin of Guilford, Richardson,
Representatives Easterling, Nye

MOTOR FLEET MANAGEMENT STUDY

Sec. 45. The Joint Legislative Commission on Governmental Operations shall study the whole issue of motor fleet management. This study shall include:

(1) The extent to which centralized motor fleet management is needed and appropriate;
(2) The identification of agencies and agencies' functions that should be subject to centralized management;
(3) The criteria for exemption from centralized management:
   a. For agencies;
   b. For agencies' functions; and
   c. For specific categories of vehicles; and
(4) Other related matters.

The Commission shall include the results of this study, together with any legislative proposals, in its report to the 1993 General Assembly.

Requested by: Senator Richardson,
Representative Flaherty

OWNERSHIP, CUSTODY, OR CONTROL OF VEHICLES PURCHASED BY THE DIVISION OF VOCATIONAL REHABILITATION SERVICES

Sec. 46. The Division of Vocational Rehabilitation Services, Department of Human Resources, may use funds made available to it to purchase vehicles to be used primarily to transport clients being served pursuant to the Rehabilitation Act of 1973, 42 U.S.C. 701 et seq., as amended. Notwithstanding the provisions of G.S. 143-341(8)i.3., the Division of Vocational Rehabilitation Services shall not be required to transfer ownership, custody, or control of any vehicle purchased pursuant to this section to the Department of Administration.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

DOBBS SCHOOL RELOCATION FUNDS

Sec. 47. Notwithstanding any other provisions of law, if the current Dobbs School site is selected as the site for the Air Cargo Complex, funds allocated to the Department of Human Resources for renovations to the Dobbs School from the North Carolina Prison and Youth Services Bond Fund by Section 239 of Chapter 689 of the 1991 Session Laws, shall be used to begin the process of constructing facilities for the relocation of the Dobbs School to land currently allocated to the Department of Human Resources and adjacent to Caswell Center.

Requested by: Senators Richardson, Walker,
Representative Holt

LIFE PLAN TRUST CORRECTION

Sec. 48. (a) G.S. 36A-59.21, as enacted by Chapter 768 of the 1991 Session Laws, is repealed.

(b) This section is effective July 1, 1992.

Requested by: Senators Richardson, Walker,
Representative Ethridge

HEAD START FUND ALLOCATION

Sec. 49. Of the funds appropriated in this act to the Department of Human Resources for the 1992-93 fiscal year, the sum of one million seven hundred sixty thousand dollars ($1,760,000) is allocated to the Division of Economic Opportunity to provide grants to local private nonprofit agencies administering Head Start programs. These funds shall be used by the Head Start agencies for the payment of the cost of acquiring, constructing, reconstructing, renovating, equipping, and improving classroom facilities for the existing Head Start programs. The Department of Human Resources shall develop a formula for the distribution of State supplemental Head Start funds to those counties with the greatest relative burden of low-income children who qualify for Head Start. The formula may include factors based on the percentage of North Carolina's children aged birth to 5 who are in poverty in each county, the percentage of North Carolina's Aid to Families with Dependent Children recipients in each county, the percentage of North Carolina's unserved eligible Head Start children in each county, and any other statistical indicator that is in keeping with the legislative intent.

Each Head Start program that is allocated State supplemental Head Start funds pursuant to this section shall submit a budget for review by the State. The budget will itemize the program's expenditure of State funds. The expenditure needs shall fall under the allowable expenditure categories identified above.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

MENTAL HEALTH FACILITY PLANS

Sec. 50. The funds appropriated in this act for area mental health programs shall be allocated in grants not to exceed two hundred thousand dollars ($200,000) per grant.

The grants are subject to the Department of Human Resources' approval of the grant application. Grant funds shall be matched by local funds on a dollar-for-dollar basis.

Requested by: Senators Richardson, Walker,
Representatives Easterling, Nye

RURAL HEALTH RECRUITMENT FUNDS

Sec. 51. The funds appropriated in this act to the Office of Rural Health for rural health recruitment shall be used to pay first, second, and third-year residents in family medicine, internal medicine, or general pediatric medicine the sum of ten thousand dollars ($10,000) upon the resident's agreeing to practice in an area designated by the Office of Rural Health as medically underserved.

Repayment of the stipend is forgiven if the resident completes the full year of service in a medically underserved area of North Carolina.

The Office of Rural Health shall report expenditures for this program to the 1993 General Assembly by the end of the first week after convening.

This item shall not become a part of the continuation budget request for the 1993-95 fiscal biennium.

PART 15. DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

ECONOMIC DEVELOPMENT FUNDS

Sec. 52. Section 157(f) of Chapter 900 of the 1991 Session Laws, 1992 Regular Session, reads as rewritten:

"(f) Of the funds appropriated in this act to the North Carolina Rural Economic Development Center, Inc., six hundred fifty thousand dollars ($650,000) for the 1992-93 fiscal year shall be used to expand the Microenterprise Loan Program. Of these funds, no less than four hundred thousand dollars ($400,000) shall be used <u>as loan capital or</u> as loan loss reserves and no more than two hundred fifty thousand dollars ($250,000) shall be used to cover operational costs. The North Carolina Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds."

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

HOUSING TRUST FUND FUNDS

Sec. 53. There is appropriated from the funds and interest thereon received from the United States Department of Energy's Stripper Well Litigation (MDL378) which remain in the Special Reserve for Oil Overcharge Funds to the Office of State Budget and Management the sum of two million dollars ($2,000,000) for the 1992-93 fiscal year for the purposes authorized in G.S. 122E-6. Funds appropriated under this section are in addition to any other funds appropriated in this act for these purposes.

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

CENTER FOR COMMUNITY SELF-HELP FUNDS

Sec. 54. (a) Of the funds appropriated in this act to the Office of State Budget and Management, the sum of two million dollars ($2,000,000) for the 1992-93 fiscal year shall be allocated to the Center for Community Self-Help to further a statewide program of lending to small businesses and other economic development projects in rural and other depressed or disadvantaged communities throughout North Carolina, provided these funds are matched on the basis of one dollar ($1.00) of funds from the Center for Community Self-Help or its affiliates for every one dollar ($1.00) of State funds. The appropriation shall be equally allocated among the eastern, central, and western regions of North Carolina. Loans or loan guarantees made under the program shall be

conditioned on the unavailability of loans for the same purposes from private lenders upon reasonably equivalent terms and conditions. Payments of principal shall be available for further loans.

(b) The Center for Community Self-Help shall submit, within 180 days after the close of its fiscal year, audited financial statements to the State Auditor. All records pertaining to the use of State funds shall be made available to the State Auditor upon request. The Center for Community Self-Help shall make quarterly reports on the use of State funds to the State Auditor, in form and format prescribed by the State Auditor or his designee. The Center for Community Self-Help shall make a written report by May 1 of each year for the next three years to the General Assembly on the use of the funds appropriated by this act.

(c) The Center for Community Self-Help shall report to the Joint Legislative Commission on Governmental Operations, the House Appropriations Subcommittee on Environment, Health, and Natural Resources, the Senate Appropriations Committee on Natural and Economic Resources, and the Department of Economic and Community Development on a quarterly basis for the next three years.

(d) The Office of the State Auditor may conduct an annual end-of-year audit of the revolving fund for economic development lending created by this appropriation for each year of the life of the revolving fund.

(e) If the Center for Community Self-Help dissolves, the corporation shall transfer the remaining assets of the revolving fund to the State and shall refrain from disposing of the revolving fund assets without approval of the State Treasurer.

(f) The Office of State Budget and Management shall disburse this appropriation within 15 working days of the receipt of a request for the funds from the Center for Community Self-Help. The request shall include a commitment of the matching funds by the Center for Community Self-Help or its affiliates.

PART 16. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Requested by: Senators Martin of Pitt, Perdue,
Representatives Ethridge, H. Hunter

WATER RESOURCES DEVELOPMENT FUNDS

Sec. 55. (a) Of the funds appropriated to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of two million dollars ($2,000,000) shall be used for water resources development projects. The Department shall fund the following projects, whose estimated costs are as indicated:

(1) Wilmington Harbor Deepening Study	$ 750,000
(2) Aquatic Plant Control	35,000
(3) Jordan Lake Water Supply Repayment & Operation	110,000
(4) Lower Creek Flood Control-Lenoir	161,000
(5) Morehead City Harbor Deepening	395,000
(6) Hydrilla Eradication Lake Gaston	100,000
(7) Wilmington Harbor Navigation	449,000

(b) Where the actual costs are different from the estimated costs under subsection (a) of this section, the Department may adjust the allocations among projects as needed. If any projects listed in subsection (a) of this section are delayed and the budgeted State funds cannot be used during the 1992-93 fiscal year, or if the projects listed in subsection (a) of this section are accomplished at a lower cost, the Department may use the resulting fund availability to fund:

(1) Corps of Engineers project feasibility studies, or

(2) Corps of Engineers projects whose schedules have advanced and require State matching funds in fiscal year 1992-93, or

(3) State-local Water Resources Development Projects.

Funds not expended or encumbered for these purposes shall revert to the General Fund at the end of the 1993-94 fiscal year.

(c) Beginning October 1, 1992, the Department shall make quarterly reports on the use of these funds to the Joint Legislative Commission on Governmental Operations, the Director of the Fiscal Research Division, and the Office of State Budget and Management. Each report shall include:

(1) All projects listed in this section;
(2) The estimated cost of each project;
(3) The date work on each project began or is expected to begin;
(4) The date work on each project was completed or is expected to be completed; and
(5) The actual cost of each project.

The quarterly reports shall also show those projects advanced in schedule, those projects delayed in schedule, and an estimate of the amount of funds expected to revert to the General Fund.

(d) The Office of State Budget and Management shall use up to three million five hundred thousand dollars ($3,500,000) from the Reserve for Repairs and Renovations as a State match for federal funds if such federal funds are made available prior to November 1, 1992 for the Morehead City Harbor Deepening Project. If federal funds are not available for this purpose prior to November 1, 1992, then the Office of State Budget and Management may use funds from reversions in the 1992-93 fiscal year.

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

FUNDS FOR STATE PARKS LAND ACQUISITION

Sec. 56. (a) The proceeds from the grant of the easement authorized by G.S. 143-260.10E(a), as enacted by Chapter 907 of the 1991 Session Laws, are appropriated from the General Fund to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year for the Division of Parks and Recreation for land acquisition in State parks.

(b) Prior to expending or obligating any of the funds allocated by this section, the Department shall report to the Joint Legislative Commission on Governmental Operations and to the Office of State Budget and Management on the proposed use of the funds.

Requested by: Senator Basnight,
Representatives Ethridge, H. Hunter

AGRICULTURE COST SHARE PROGRAM

Sec. 57. Section 165 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 165. Of the funds appropriated in this Title to the Department of Environment, Health, and Natural Resources for the Agriculture Cost Share Program for Nonpoint Source Pollution Control, a sum not to exceed ~~$40,000~~ forty thousand dollars ($40,000) for the 1991-92 fiscal year ~~and a sum not to exceed $40,000 for the 1992-93 fiscal year~~ shall be used to fund tide gates in Hyde County in accordance with the match requirements specified in ~~G.S. 143-215.74(b)(6).~~ G.S. 143-215.74(b)(6), and a sum not to exceed forty thousand dollars ($40,000) for the 1992-93 fiscal year shall be used for water control structures in the counties bordering the Alligator River, under the Rural Clean Water Demonstration Program, and in accordance with the match requirements specified in G.S. 143-215.74(b)(6)."

Requested by: Senator Conder,
Representatives Ethridge, H. Hunter

GOVERNOR'S WASTE MANAGEMENT BOARD/TECHNICAL ASSISTANCE GRANTS

Sec. 58. Notwithstanding the limitations of G.S. 104G-19(d), funds appropriated in Section 4.1 of this act may be used to provide technical assistance grants

in the amount of one hundred thousand dollars ($100,000) each to Richmond, Chatham, and Wake Counties for their site designation review committee.

Requested by: Senator Martin of Pitt,
Representatives Ethridge, H. Hunter

ON-SITE WASTEWATER SYSTEMS

Sec. 59. (a) Article 11 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-344. North Carolina On-Site Wastewater Systems Institute.

(a) The North Carolina On-Site Wastewater Systems Institute is created. The Department shall provide staff for the Institute. The Institute shall gather information, study problems, and prepare reports on sanitary sewage systems.

(b) The North Carolina On-Site Wastewater Systems Institute shall have a Board of Directors consisting of 11 members. The members shall serve on a voluntary basis at no cost to the State. The members shall be appointed as follows:

(1) One member from the On-Site Sewage Program of the Department, appointed by the Governor.

(2) One member who is a local health director, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

(3) One member who is an environmental health supervisor from a local health department, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

(4) One member who is an environmental health specialist, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

(5) Four members who are in the sanitary sewage system business, one of whom is a manufacturer, one of whom is a supplier, one of whom is a pumper or installer, and one of whom is an operator, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.

(6) One member who is actively involved with residential development in North Carolina or has extensive experience in the field of residential development, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

(7) One member from the public at large, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

(8) The President or Executive Director of the North Carolina Septic Tank Association, Inc., appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.

(c) Legislative appointments shall be made in accordance with G.S. 120-121. A vacancy in a legislative appointment shall be filled in accordance with G.S. 120-122.

(d) Each member shall serve for a two-year term that begins on July 1 of an odd-numbered year and ends on June 30 of the next odd-numbered year. Appointments to fill vacancies in the membership of the Board that occur due to resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term and shall be made by the same appointing authority that made the initial appointment.

(e) The member from the North Carolina Septic Tank Association, Inc., shall serve as Chair of the Board for the first two years after the Board is created. Thereafter, the Board shall elect a Chair annually at its first meeting of the year.

(f) The Board shall hold at least one meeting each year to conduct its business. Subsequent meetings shall be at the call of the Chair or a majority of the Board members. A majority of the members is a quorum."

(b) Notwithstanding G.S. 130A-344(d), as enacted by this section, the terms of the initial appointees to the North Carolina On-Site Wastewater Systems Institute end June 30, 1995.

(c) Of the funds appropriated by this act to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year the sum of twenty-five

thousand dollars ($25,000) shall be used by the Department to contract with a regionally or nationally recognized consulting firm to conduct a comprehensive study of appropriate wastewater and sewage disposal technologies that could be used in soils unsuitable for a conventional septic tank in areas of North Carolina that have a high water table. In selecting a consulting firm to conduct the study, the Department shall consult with the North Carolina On-Site Wastewater Systems Institute. The contract with the consulting firm shall require the consulting firm to complete the study and submit a report to the Department and to the North Carolina On-Site Wastewater Systems Institute by June 30, 1993.

(d) Of the funds appropriated by this act to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of twenty-five thousand dollars ($25,000) shall be used to support county alternative on-site sewage system demonstration projects in Eastern North Carolina established prior to 1990. Such projects shall have a technical advisory committee and shall develop and monitor innovative and alternative on-site sewage treatment systems and proper management operating schemes.

Requested by: Senator Martin of Pitt,
Representatiaves Ethridge, H. Hunter

PARKS CAPITAL IMPROVEMENTS

Sec. 60. (a) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of five hundred thousand dollars ($500,000) shall be used for the repair and maintenance of State parks.

(b) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of five hundred thousand dollars ($500,000) shall be used to acquire critical parcels of inholdings and corridor linkages for inclusion in the State parks system.

(c) Prior to expending or obligating any of the funds allocated by this section, the Department shall report to the Joint Legislative Commission on Governmental Operations and to the Office of State Budget and Management on the proposed use of the funds.

Requested by: Senator Martin of Pitt,
Representative Redwine

STUDY ACQUISITION OF BIRD ISLAND

Sec. 61. (a) The Department of Environment, Health, and Natural Resources shall study the feasibility and appropriateness of the State acquiring Run Hill at Nags Head Woods for the purpose of conservation. The Department shall also study the feasibility and appropriateness of the State acquiring Bird Island in Brunswick County for the purpose of conservation. The study shall be separate and apart from the consideration of any permit applications or the issuance of any permits for Bird Island pursuant to the Coastal Area Management Act of 1974, Article 7 of Chapter 113A of the General Statutes. The issuance of these permits shall not depend upon or be contingent upon the completion or results of this study.

(b) No later than May 31, 1993, the Department shall report its findings and recommendations pertaining to this study to the 1993 General Assembly.

(c) This section becomes effective November 15, 1992.

Requested by: Senator Martin of Pitt,
Representative Ethridge

MARINE FISHERIES USE OF LAND PROCEEDS

Sec. 65. Any net proceeds, as defined in G.S. 146-30, received from the sale of approximately 6.12 acres of State land located on Bogue Sound in Carteret County, this being the property described in the deed dated February 12, 1982, and recorded in Deed Book 464, page 86, Carteret County Registry, shall be allocated to the Department of

Environment, Health, and Natural Resources, Division of Marine Fisheries, for the 1992-93 fiscal year to be used:

(1) To acquire real property for oyster shell stockpiling and dockage during hurricanes,

(2) To renovate or replace the unsafe pier at the Division's Morehead City office, as needed, and

(3) To replace the Carolina Coast Research Vessel,

to ensure the continuation of the Division's shellfish rehabilitation and artificial reef programs and the biological sampling programs.

Requested by: Senator Plexico,
Representative Ramsey

CERTAIN REIMBURSEMENTS FROM WILDLIFE RESOURCES COMMISSION FUNDS

Sec. 66. G.S. 113-77.9 is amended by adding a new subsection to read:

"(d1) In any county in which real property was purchased pursuant to subsection (d) of this section as additions to the fish and wildlife management areas and where less than twenty-five percent (25%) of the land area is privately owned at the time of purchase, that county and any other local taxing unit shall be annually reimbursed, for a period of 20 years, from funds available to the North Carolina Wildlife Resources Commission in an amount equal to the amount of ad valorem taxes that would have been paid to the taxing unit if the property had remained subject to taxation."

Requested by: Senator Martin of Pitt,
Representatives Jack Hunt, Ethridge, DeVane

POSITIONS TO MONITOR CONTAMINATED SOIL SITES

Sec. 67. There is appropriated from the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund to the Department of Environment, Health, and Natural Resources the sum of seventy-five thousand dollars ($75,000) for the 1992-93 fiscal year. There is appropriated from the Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Fund to the Department of Environment, Health, and Natural Resources the sum of seventy-five thousand dollars ($75,000) for the 1992-93 fiscal year. These appropriations shall be used to establish and support four positions to inspect and monitor petroleum contaminated soil landfarming sites and enforce rules applicable to these sites.

Requested by: Senator Martin of Pitt,
Representatives DeVane, Hasty

ENVIRONMENTAL IMPACT FUNDS

Sec. 68. Of the funds appropriated to the Office of State Budget and Management for the 1992-93 fiscal year, the sum of two hundred fifty thousand dollars ($250,000) shall be allocated to the Laurinburg-Maxton Airport Commission for preliminary engineering studies and an environmental impact statement to determine the impact of the expansion of the Laurinburg-Maxton Airport Commission industrial park on the environment and on the Lumber River State Park.

Requested by: Senator Martin of Pitt,
Representatives Redwine, H. Hunter, DeVane

BEAVER DAMAGE CONTROL PILOT PROGRAM AND STATEWIDE PROGRAM

Sec. 69. (a) There is established the Beaver Damage Control Advisory Board. The Board shall consist of nine members, as follows:

(1) The Executive Director of the North Carolina Wildlife Resources Commission, or his designee, who shall serve as chair;

(2) The Commissioner of Agriculture, or a designee;

(3) The Director of the Division of Forest Resources of the Department of Environment, Health, and Natural Resources, or a designee;

(4) The Director of the Soil and Water Conservation Division of the Department of Environment, Health, and Natural Resources, or a designee;
(5) The Director of the North Carolina Cooperative Extension Service, or a designee;
(6) The Secretary of Transportation, or a designee;
(7) The State Director of the Animal Damage Control Division of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or a designee;
(8) The President of the North Carolina Farm Bureau Federation, Inc., or a designee, representing private landowners in the participating counties; and
(9) A representative of the North Carolina Forestry Association.

(b) The Beaver Damage Control Advisory Board shall develop a pilot program to control beaver damage on private and public lands. Bladen, Brunswick, Columbus, and Sampson Counties shall participate in the pilot program. The Beaver Damage Control Advisory Board shall act in an advisory capacity to the Wildlife Resources Commission in the implementation of the program. In developing the program, the Board shall:
(1) Orient the program primarily toward public health and safety and toward landowner assistance, providing some relief to landowners through beaver control and management rather than eradication;
(2) Develop a priority system for responding to complaints about beaver damage;
(3) Develop a system for documenting all activities associated with beaver damage control, so as to facilitate evaluation of the program;
(4) Provide educational activities as a part of the program, such as printed materials, on-site instructions, and local workshops;
(5) Provide for the hiring of personnel necessary to implement beaver damage control activities, administer the pilot program, and set salaries of personnel;
(6) Evaluate the costs and benefits of the program that might be applicable elsewhere in North Carolina.

Upon the conclusion of the pilot program on December 1, 1993, the Board shall issue a report to the Wildlife Resources Commission on the results of the program, including recommendations on the feasibility of continuing the program in participating counties and the desirability of expanding the program into other counties.

(c) The Wildlife Resources Commission shall implement the pilot program, and may enter a cooperative agreement with the Animal Damage Control Division of the Animal and Plant Health Inspection Service, United States Department of Agriculture, to accomplish the pilot program.

(d) Notwithstanding G.S. 113-291.6(d) or any other law, it is lawful to use snares when trapping beaver pursuant to the beaver damage control program developed pursuant to this section. The provisions of Chapter 218 of the 1975 Session Laws; Chapter 492 of the 1951 Session Laws, as amended by Chapter 506 of the 1955 Session Laws; and Chapter 1011 of the 1983 Session Laws do not apply to trapping carried out in implementing the beaver damage control program developed pursuant to this section.

(e) Of the funds appropriated to the Department of Environment, Health, and Natural Resources for the Wildlife Resources Commission for the 1992-93 fiscal year, the sum of one hundred thousand dollars ($100,000) shall be used to implement a beaver damage control pilot program and a one-time statewide program. These funds shall be allocated as follows:
(1) Fifty thousand dollars ($50,000) to provide the State share to implement the pilot program in Bladen, Brunswick, Columbus, and Sampson Counties, provided the sum of twenty-five thousand dollars ($25,000) in federal funds are available to provide the federal share; and
(2) Fifty thousand dollars ($50,000) to be used statewide to control beaver damage.

(f) The funds allocated in subdivision (e)(1) of this section shall be matched by four thousand dollars ($4,000) of local funds from each of the four participating counties.

(g) The Executive Director of the Wildlife Resources Commission shall determine what constitutes the most appropriate use of the funds allocated in subdivision (e)(2) of this section in order to alleviate the most severe beaver damage problems statewide and to identify the extent of beaver damage problems statewide.

(h) Subsections (a) through (d) of this section expire December 1, 1993.

PART 17. MISCELLANEOUS PROVISIONS

Requested by: Senators Basnight, Plyler

RESERVE FOR ADVANCE PLANNING

Sec. 70. The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on how it intends to spend funds from the Reserve for Advance Planning at least 45 days before it spends the funds.

The Office of State Budget and Management shall also report the results of any project on which it uses funds from the Reserve for Advance Planning to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

Requested by: Senators Basnight, Plyler

ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND

Sec. 71. When each capital improvement project appropriated by the 1992 General Assembly, other than those projects under the Board of Governors of The University of North Carolina, is placed under construction contract, direct appropriations shall be encumbered to include all costs for construction, design, investigation, administration, movable equipment, and a reasonable contingency. Unencumbered direct appropriations remaining in the project budget shall be placed in a project reserve fund credited to the Office of State Budget and Management. Funds in the project reserve may be used for emergency repair and renovation projects at State facilities with the approval of the Director of the Budget. The project reserve fund may be used, at the discretion of the Director of the Budget, to allow for award of contracts where bids exceed appropriated funds, if those projects supplemented were designed within the scope intended by the applicable appropriation or any authorized change in it, and if, in the opinion of the Director of the Budget, all means to award contracts within the appropriation were reasonably attempted. At the discretion of the Director of the Budget, any balances in the project reserve fund shall revert to the original source.

Requested by: Senators Basnight, Plyler

PROJECT COST INCREASE

Sec. 72. Upon the request of the administration of a State department or institution, the Director of the Budget may, when in his opinion it is in the best interest of the State to do so, increase the cost of a capital improvement project. Provided, however, that if the Director of the Budget increases the cost of a project, he shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting. The increase may be funded from gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or direct capital improvement appropriations to that department or institution.

Requested by: Senators Basnight, Plyler

NEW PROJECT AUTHORIZATION

Sec. 73. Upon the request of the administration of any State department or institution, the Governor may authorize the construction of a capital improvement project not specifically authorized by the General Assembly if such project is to be funded

by gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self-liquidating indebtedness. Provided, however, that if the Director of the Budget authorizes the construction of such a capital improvement project, he shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Requested by: Senators Basnight, Plyler

ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS

Sec. 74. Funds which become available by gifts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal or private grants, receipts becoming a part of special funds by act of the General Assembly or any other funds available to a State department or institution may be utilized for advance planning through the working drawing phase of capital improvement projects, upon approval of the Director of the Budget. The Director of the Budget may make allocations from the Advance Planning Fund for advance planning through the working drawing phase of capital improvement projects, except that this revolving fund may not be utilized by the Board of Governors of The University of North Carolina or the State Board of Community Colleges.

Requested by: Senators Basnight, Plyler

APPROPRIATIONS LIMITS/REVERSION OR LAPSE

Sec. 75. Except as permitted in previous sections of this act, the appropriations for capital improvements made by the 1991 General Assembly may be expended only for specific projects set out by the 1991 General Assembly and for no other purpose. Construction of all capital improvement projects enumerated by the 1992 General Assembly shall be commenced, or self-liquidating indebtedness with respect to them shall be incurred, within 12 months following the first day of the fiscal year in which the funds are available. If construction contracts on those projects have not been awarded or self-liquidating indebtedness has not been incurred within that period, the direct appropriation for those projects shall revert to the original source, and the self-liquidating appropriation shall lapse; except that direct appropriations may be placed in a reserve fund as authorized in this act. This deadline with respect to both direct and self-liquidating appropriations may be extended with the approval of the Director of the Budget up to an additional 12 months if circumstances and conditions warrant such extension.

Requested by: Senators Basnight, Plyler

1991-92 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

Sec. 76. (a) Except where expressly repealed or amended by this act, the provisions of Chapters 689, 742, 760, 761, and 900 of the 1991 Session Laws remain in effect.

(b) Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1992-93 fiscal year in Chapters 689, 742, 760, 761, and 900 of the 1991 Session Laws that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations and budget reductions of this act for those same particular purposes.

Requested by: Senators Basnight, Plyler

EFFECTIVE DATE

Sec. 77. This act becomes effective July 1, 1992.

On motion of Senator Basnight, the Conference Report is adopted (27-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

SB 1205
(House Committee Substitute)

House of Representatives
July 24, 1992

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on SB. No. 1205, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CAPITAL IMPROVEMENTS APPROPRIATIONS FOR NORTH CAROLINA FOR THE 1992-93 FISCAL YEAR, TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, AND TO MAKE TECHNICAL CORRECTIONS NECESSARY TO EFFECT THE BUDGET OPERATION OF THE STATE to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Grace A. Collins
Principal Clerk

The House Committee Substitute bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolution properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H.B. 561 (Senate Committee Substitute), an act to provide for the minimum standards, duties, and responsibilities of company police officers and company police agencies. (Ch. 1043)

S.B. 1205 (House Committee Substitute), an act to modify the capital improvements appropriations for North Carolina for the 1992-93 Fiscal Year, to make other changes in the budget operation of the State, and to make technical corrections necessary to effect the budget operation of the State. (Ch. 1044)

H.J.R. 1684, a joint resolution providing for adjournment *sine die* of the General Assembly. (Res. 76)

Senator Kaplan offers a motion, seconded by Senator Plexico, that the Senate of the 1991 General Assembly do now adjourn, *sine die*.

The President *Pro Tempore* orders a message sent to the House of Representatives informing that Honorable Body that the Senate has concluded the business to come before it and stands ready to adjourn, *sine die*.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1684

House of Representatives
July 25, 1992

Mr. President:

You are respectfully advised that in accordance with H.J.R. 1684 "A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT *SINE DIE* OF THE GENERAL

ASSEMBLY", the 1991-92 House of Representatives has concluded the business before it and will be ready to open the doors of the House immediately upon receipt of information from your Honorable Body that you are ready to open your doors, that the gavels may fall simultaneously and adjournment may be declared *sine die*.

Respectfully,
S/Grace A. Collins
Principal Clerk

Pursuant to the message that the House of Representatives has concluded the business before it and having notified that Honorable Body that the Senate has concluded the business before it, the President *Pro Tempore* of the Senate declares the Senate stands ready for adjournment, *sine die*. The President *Pro Tempore* orders the doors of the Senate thrown open. The Speaker of the House of Representatives is perceived standing ready to let the gavel fall.

The motion heretofore offered by Senator Kaplan, seconded by Senator Plexico prevails. The hour for adjournment *sine die* as fixed by Resolution 76 having arrived, the President *Pro Tempore* of the Senate, Henson P. Barnes, presiding in the absence of Lieutenant Governor, James C. Gardner, President of the Senate, declares the Senate of the 1991 General Assembly adjourned, *sine die*.

JAMES C. GARDNER
President of the Senate

SYLVIA MORRIS FINK
Principal Clerk of the Senate

ADDENDUM

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

> No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

(1) when a member moves that the Rule be suspended, and this motion prevails by at least a two-thirds vote of the membership of the Senate present and voting, or

(2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time and remains before the Senate for further consideration.

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It will be noted the phrase "without objection" appears throughout the Senate Journal. Upon a motion offered, this reflects a determination by the Chair there is no objection from a member present, which constitutes unanimous consent, for the order of the Chair.

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It will be noted that when a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise, the measure is placed on the Calendar for the next legislative day in its regular order of business.

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It will be noted that Rule 20(2) of the House of Representatives requires that "all measures affecting a fee imposed by the State or any subdivision thereof" are classified roll-call measures for the purpose of spreading the ayes and noes on the Journal. Though the Senate Rules do not require, the Rule of the House of Representatives is honored and the measures are considered as roll-call measures, unless ruled otherwise by the presiding officer.

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It will be noted that numerical figures appear within parentheses throughout the Senate Journal. These figures represent the affirmative and negative votes cast and recorded electronically, pursuant to Senate Rule 25. Copies of the voting print-out are on file in the Legislative Library.

Sylvia Fink
Principal Clerk

NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATE
RALEIGH 27611

April 12, 1992

The Honorable Marc Basnight, Chairman
Senate Appropriations Committee
P. O. Box 1025
Manteo, North Carolina 27954

Dear Marc:

Pursuant to G. S. 120-19.6, you are authorized to activate the Senate Appropriations Committee on May 12 in preparation for the 1992 budgetary session convening on May 26, 1992.

Sincerely,
S/Henson P. Barnes
President Pro Tempore

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NORTH CAROLINA GENERAL ASSEMBLY
PRESIDENT PRO TEMPORE
SENATE
RALEIGH 27611

April 30, 1992

The Honorable George R. Daniel, Chairman
Senate Finance Committee
P. O. Box 1210
Graham, North Carolina 27253

Dear George:

Pursuant to G. S. 120-19.6, you are authorized to activate the Senate Finance Committee on May 12 in preparation for the 1992 budgetary session convening on May 26, 1992.

Sincerely,
S/Henson P. Barnes
President Pro Tempore

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North Carolina General Assembly
Legislative Services Office
Legislative Office Buiding
300 N. Salisbury Street, Raleigh, N C 27603-5925

M E M O R A N D U M

TO: Members, Senate Appropriations Committee
Members, House Appropriations Committee

FROM: Senator Marc Basnight s/MB Representative Martin Nesbitt
Senator Aaron Plyler Representative David Diamont

DATE: April 30, 1992

RE: Appropriations Meetings
May 12 through May 21, 1992

As you already know, the Joint Appropriations Committee will be coming to Raleigh on May 12 to begin a two-week review of the adjustments needed in the 1992-93 state budget.

We have met and agreed to the following achedule:

Tuesday	May 12, 1992	2:00 p.m. until 5:00 p.m.
Wednesday and Thursday	May 13-14, 1992	9:00 a.m. until 12:00 p.m. 1:00 p.m. until 4:00 p.m.
Friday	May 15, 1992	No scheduled meeting
Monday	May 18, 1992	2:00 p.m. until 5:00 p.m.
Tuesday, Wednesday, and Thursday	May 19, 20, 21, 1992	9:00 a.m. until 12:00 p.m. 1:00 p.m. until 4:00 p.m.
Friday	May 22, 1992	No scheduled meeting

During the first week of meetings, we will hear from David Crotts on the revenue outlook, Marvin Dorman on the Governor's recommended budget adjustments, and from various departments and organizations. The second week's work will be determined mainly by how we progress and by what we learn during that first week.

We look forward to seeing you on the 12th and hope this advanced schedule will enable you to better plan for those two weeks.

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A copy of the following letter was sent to all members of the **Finance Committee**:

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27611

May 1, 1992

Senator Kenneth C. Royall, Jr.
Room 300 Legislative Office Bldg.
Raleigh, NC 27611

Dear Ken:

Upon receiving notice of the budget hearings set to begin on May 12, I have conferred with the President *Pro Tempore* and Appropriations Chairman Basnight regarding these scheduled hearings.

I feel that the participation of the Finance Committee membership is important to this process, and have received authorization from Senator Barnes for our Committee to attend these sessions. Of course, we will not be involved in any subcommittee meetings, but I feel any information we might obtain from the budget overview will be helpful.

The meetings will begin on Tuesday, May 12 at 2:00 p.m. in Room 643 of the LOB and continue until session begins on May 26. The meeting schedule is attached.

During the first week, the committee will hear from David Crotts on the revenue outlook, Marvin Dorman on the Governor's recommended budget adjustments, and from various departments and organizations. The second week's work will be determined by progress made during the first week.

Attendance of Finance members is optional, but the opportunity is there for us to become more aware of the budget situation for the upcoming session.

Sincerely,
S/George B. Daniel
Chairman
Finance Committee

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MEETING SCHEDULE FOR BUDGET HEARINGS

TUESDAY,	MAY 12	2:00 P.M. UNTIL 5:00 P.M.
WEDNESDAY AND THURSDAY,	MAY 13–14	9:00 A.M. UNTIL 12:00 P.M. 1:00 P.M. UNTIL 4:00 P.M.
FRIDAY	MAY 15	(NO MEETING SCHEDULED)
	* * *	
MONDAY	MAY 18	2:00 P.M. UNTIL 5:00 P.M.
TUESDAY, WEDNESDAY, AND THURSDAY	MAY 19, 20, 21	9:00 A.M. UNTIL 12:00 P.M. 1:00 P.M. UNTIL 4:00 P.M.
FRIDAY	MAY 22	(NO MEETING SCHEDULED)

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1991 GENERAL ASSEMBLY REPORTS

REPORTS ARE RECEIVED FROM THE FOLLOWING BOARDS, COMMISSIONS, AND AGENCIES DIRECTED TO REPORT TO THE 1991 GENERAL ASSEMBLY. THE REPORTS ARE ON FILE IN THE LEGISLATIVE LIBRARY.

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
G.S. 113A, Art. 6	Biennial Report of the North Carolina Trails System	Annually	10/5/90
Ch. 500, Sec. 14(b)(7-8) 1989 Session Laws	Plan for Implementation of the Dropout Prevention Provisions	12/90	12/21/90
Ch. 802, Part XV, 1989 Session Laws	Depository Institutions Study Commission	by 1st Day 1991 Session	1/30/91
Ch. 802, Part VIII, 1989 Session Laws	Medical Malpractice Claims Arbitration Study Commission Report	1991 Session	1/30/91
Ch. 802, Sec. 21.4, 1989 Session Laws	State Personnel System Study Commission	1991 Session	1/30/91
G.S. 143B-426.21(b)(3)	Annual Information Processing Report and Plan	Annually	1/30/91
G.S. 105-255	N.C. Dept. of Revenue Comparative Statement of Net Collections		1/31/91
G.S. 120-70.70	Commission on the Family	2/1 odd years	2/1/91
G.S. 110-148(c)(5)	Department of Public Instruction— N.C. Children's Trust Fund Biennial Report	Biennially	2/4/91
Ch. 1074, Sec. 27(a), 1989 Session Laws	Department of Public Instruction— Year-Round Education	by 1st Day 1991 Session	2/4/91
Ch. 1074, Sec. 26, 1989 Session Laws	Department of Public Instruction— Education Governance Study	by 1st Day 1991 Session	2/4/91
Ch. 448, 1989 Session Laws	Department of Human Resources— Social Services Plan: A Road Map for Change	by 1st Day 1990 Session	2/5/91
G.S. 7A-741	Juvenile Law Study Commission	by 1st Day Each Session	2/6/91
Ch. 500, Sec. 86(b), 1989 Session Laws	Alcohol and Drug Abuse Treatment Centers Plan to Improve Efficiency and Effectiveness	by 2/1/91	2/13/91
G.S. 120-74	Joint Legislative Commission on Governmental Operations		2/28/91
Ch. 795, Sec. 28.2, 1989 Session Laws	Administrative Office of the Courts/ Department of Human Resources — Comprehensive Study of North Carolina's Child Support Enforcement System	by 3/15/91	3/21/91

1991 GENERAL ASSEMBLY REPORTS continued

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
G.S. 105-255	N.C. Dept. of Revenue Comparative Statement of Net Collections		3/28/91
G.S. 130A-309.14 (b), (c),(d), & (e)	Department of Economic and Community Development: Assessment of Recyclable Materials Markets and Market System (With an Executive Summary); Technical and Market Development Analysis for Compost Materials	4/1/91	4/3/91
G.S. 143B-433	Department of Economic And Community Development: Laying a Foundation: Recommendations of the Housing Coordination and Policy Council	1991 Session	4/9/91
Ch. 752, Sec. 58, 1989 Session Laws	Department of Public Instruction: Dropout Prevention/Child Abuse Section Report	by 4/1/92	4/24/91
G.S. 105-255	N.C. Dept. of Revenue Comparative Statement of Net Collections		4/25/91
Ch. 1065, 1989 Session Laws	Interagency Task Force on Defensive Driving/Citation Dismissal	by 3/1/91	4/30/91
G.S. 115C-301(g)	Report of Allotment Adjustments and Waivers Related to Class Size/ Teacher Daily Load Overages	by 5/15 Annually	5/21/91
G.S. 105-255	N.C. Dept. of Revenue Comparative Statement of Net Collections		6/3/91
G.S. 164-43(c)	North Carolina Sentencing and Policy Advisory Commission Report	1991 Session	6/13/91
Ch. 1066, Sec. 108, Ch. 752, Sec. 38(c), 1989 Session Laws	Department of Public Instruction Required Report on Noncertified Employee Salaries	1991 Session	6/18/91
G.S. 105-255	N.C. Dept. of Revenue Comparative Statement of Net Collections		6/27/91
G.S. 143B-438.6(d)	Department of Economic and Community Development, Employment and Training Grant Program	Quarterly Report	2/5/92
G.S. 115C-284(c1)	Department of Public Instruction, School Administrator Training and Certification	March 1, 1992	2/28/92
G.S. 115C-81(a) Ch. 689, Sec. 196(a) 1991 Session Laws	Department of Public Instruction, Required Basic Education Program Report	by 3/15/92	3/13/92
G.S. 143-15.4(c)	Office of State Budget and Management and Fiscal Research Division, Consensus Estimates of Total Personal Income for Fiscal Years 91/92 and 92/93	by Feb 1 annually	3/16/92

1991 GENERAL ASSEMBLY REPORTS continued

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
Ch. 689, Sec. 216 1991 Session Laws	Department of Human Resources, Division of Social Services, Report on Improvements in Child Protective Services	by 3/15/92	3/27/92
Ch. 689, Sec. 239(h) 1991 Session Laws	Department of Human Resources, Division of Youth Services, Prison Bond Package Progress	1991 Session	3/27/92
Ch. 689, Sec. 154 1991 Session Laws	Department of Economic and Community Development North Carolina Employment and Training Grant Program Quarterly Report for July 1, 1991 to March 31, 1992	Quarterly	4/29/92
Ch. 689, Sec. 118 1991 Session Laws	Department of Public Instruction, Developmental Day Care Centers Required Report	by 5/1/92	5/1/92
G.S. 143B-433.1	Department of Economic and Community Development Housing Coordination and Policy Council Annual Report, "Framing the Structure"	Annually by 5/1	5/1/92
Ch. 689, Sec. 107 1991 Session Laws	Department of Human Resources, Annual Report Willie M. Program	Annually by 5/1	5/1/92
Ch. 689, Sec. 138 1991 Session Laws	Department of Human Resources, Division of Social Services Child Protective Services	by 5/1/92	5/4/92
Ch. 689, Sec. 196(d) 1991 Session Laws	Department of Public Instruction, Basic Education Program, Measure of Student Achievement	by 5/1/92	5/4/92
G.S. 115C-301(g)	Department of Public Instruction, Class Size Waivers and Adjustments	Annually by 5/15	5/19/92
Ch. 550, Sec. 4 1991 Session Laws	North Carolina Board of Nursing, Review of Nursing Curricula Requirements		5/19/92
G.S. 164-43(c)	North Carolina Sentencing and Policy Advisory Commission Required Report	prior to 1992 Session	5/22/92
Ch. 689, Sec. 57.2 1991 Session Laws	UNC Board of Governors and Department of Cultural Resources Report of Chinqua-Penn Plantation	by 4/15/92	5/22/92
Ch. 754, Sec. 19.1 1991 Session Laws	Aging Study Commission Report on Expanding Nursing Home/Rest Home Penalty Review Committee	to 1992 Session	5/27/92
Ch. 754, Sec. 4.4 1991 Session Laws	State Personnel Study Commission Interim Report	by 5/26/92	5/27/92
Ch. 1074, Sec. 20 1989 Session Laws	Veterans Home Study Commission Final Report		5/27/92
G.S. 143B-426.21 (b)(3)	Information Technology Commission Annual Information Processing Report and Plan	Annually	5/27/92

1991 GENERAL ASSEMBLY REPORTS continued

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
Ch. 754, Sec. 17.1 1991 Session Laws	Birth-Related Neurological Impairment Study Commission Final Report	to 1992 Session	5/28/92
G.S. 120-70.80	Joint Legislative Education Oversight Committee, Public School Administrator Training	to 1992 Session	5/28/92
G.S. 105-255	N.C. Dept. of Revenue Comparative Statement of Net Collections April 1991/1992		6/1/92
Ch. 521, 1991 Session Laws	Department of Human Resources, Essential Access Community Hospital (EACH) Program	to 1992 Session	6/3/92
Ch. 802, Ch. 1078, 1989 Session Laws Ch. 754, Sec. 10.1 1991 Session Laws	Energy Assurance Study Commission	to 1992 Session	6/4/92
Ch. 689, Sec. 55 1991 Session Laws	UNC Board of Governors, State Board of Community Colleges, Small Business Memorandum of Agreement	by 3/31/92	6/9/92
Ch. 59, Sec. 3 1991 Session Laws	Department of Human Resources, Report on Costs Required to Implement the Home Care Licensure Act	beginning 1992 Session	6/16/92
G.S. 105-255	N.C. Dept. of Revenue Comparative State of Net Collections May 1991/1992		6/28/92
G.S. 115C-81(a)	Department of Public Instruction, Changes to the Basic Education Plan		6/29/92
G.S. 113A, Art. 6	North Carolina Trails System Act	Annually	6/30/92
Ch. 689, Sec. 351 1991 Session Laws	Department of Human Resources, Child Protective Services Final Report		7/6/92

THE OFFICE OF THE PRINCIPAL CLERK HAS RECEIVED COPIES OF REPORTS FROM THE FOLLOWING BOARDS, COMMISSIONS, AND AGENCIES DIRECTED TO REPORT TO THE 1991 GENERAL ASSEMBLY. THE REPORTS ARE ON FILE IN THE LEGISLATIVE LIBRARY.

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
Ch. 802, Sec. 2.1(5), 1989 Session Laws	Credit Card Deregulation, Credit Card Banks, and Linked Deposit Programs /LRC	1990 or 1991 Session	12/19/90
Ch. 802, Sec. 2.1 (15), Ch. 1078, Sec. 2.1(1), 1989 Session Laws	Development of a State Strategy for the Protection of all Groundwater Resources /LRC	1991 Session	12/19/90
Ch. 802, Sec. 2.1 (17), 1989 Session Laws	Committee on Insanity Verdict and Guilty But Insane/ LRC	1990 or 1991 Session	12/19/90

1991 GENERAL ASSEMBLY REPORTS continued

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
Ch. 774, Sec. 6, 1989 Session Laws	License Plate Fees—Personalized and Special	1991 Session	12/19/90
Ch. 802, , Sec. 2.1(8) 1989 Session Laws	Minority Business Contracts and Small Business Assistance/ LRC	1990 or 1991 Session	12/19/90
G.S. 120-154	Agriculture, Forestry, and Seafood Awareness Study Commission	One month Prior Beg. Biennial Session	1/2/91
Ch. 802, Sec. 2.1 (9), 1989 Session Laws	Consumer Protection / LRC	1990 or 1991 Session	1/2/91
Ch. 802, Sec. 2.1 (23), 1989 Session Laws	Public Employees' Day Care and Medical and Dental Benefits/ LRC	1990 or 1991 Session	1/2/91
Ch. 802, Sec. 2.2 (18), 1989 Session Laws	Agribusiness Plant Variances/ LRC	1990 or 1991 Session	1/7/91
Ch. 802, Sec. 2.1 (13), 1989 Session Laws	Care Provided by Rest Homes; Intermediate Care Facilities, and Skilled Nursing Homes; and Necessity for Certificates of Need; and Continuing Care Issues/ LRC	1990 or 1991 Session	1/7/91
Ch. 802, Sec. 2.3, 1989 Session Laws	State Capital Assets and Improvements/ LRC	1990 or 1991 Session	1/7/91
Ch. 802, Sec. 2.1 (16), 1989 Session Laws	Surface Water/ LRC	1990 or 1991 Session	1/7/91
Ch. 740, Sec. 7; Ch. 1078, Sec. 2.4, 1989 Session Laws	Public Transportation Financing/ LRC	1990 or 1991 Session	1/7/91
Ch. 802, Sec. 2.1 (3), 1989 Session Laws	Worker Training Trust Fund/ LRC	1990 or 1991 Session	1/7/91
Ch. 802, Sec. 2.1 (12), 1989 Session Laws	Revenue Laws/ LRC	1990 or 1991 Session	1/15/91
G.S. 120-180	North Carolina Study Commission on Aging	Beg. of Biennial Session	1/15/91
Ch. 802, Sec. 2.1, (4), 1989 Session Laws	Higher Education Opportunity/ Public Attorneys Education Assistance/ LRC	1990 or 1991 Session	1/15/91
Ch. 802, Sec. 2.1(1), 1989 Session Laws	Railroads/ LRC	1990 or 1991 Session	1/15/91

1991 GENERAL ASSEMBLY REPORTS continued

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
	Legislative Research Commission 1989 Statistical Summary Report		1/15/91
Ch. 802, Sec. 13.2, 1989 Session Laws	Social Services Study Commission	Beg. 1991 Session	1/17/91
Ch. 802, Sec. 11.5; Ch. 1078, 1989 Session Laws	State Infrastructure Needs and Local Government Financing Study Commission/ LRC	1990 or 1991	1/17/91
Ch. 1100, Sec. 1, 1987 Session Laws; Ch. 802, Sec. 2.1(1), 1989 Session Laws	State Ports Authority and International Trade/ LRC	1990 or 1991 Session	1/17/91
G.S. 120-180	North Carolina Study Commission on Aging	Beg. Each Biennial Session	1/24/91
Ch. 802, Sec. 2.1 (19), 1989 Session Laws	Homeless Persons/ LRC	1990 or 1991 Session	1/28/91
Ch. 802, Sec. 9, 1989 Session Laws	Property Tax Study Commission	Prior to 3/1/91	1/28/91
Ch. 802, Sec. 2.1(2), 1989 Session Laws	Development of a State Strategy for the Management of Solid Waste and Infectious Waste	1990 or 1991 Session	1/28/91
Ch. 802, Sec. 4.1 1989 Session Laws	Public Health Study Commission	Prior to 1/30/91	2/4/91
Ch. 802, Part V, 1989 Session Laws	Education Study Commission	Beg. 1991 Session	2/7/91
G.S. 120-70.60	Joint Legislative Commission on Seafood and Aquaculture	None Stated	2/21/91
Ch. 752, Sec. 43, 1989 Session Laws	Firefighters Benefits Study Committee/LRC	Beg. 1991 Session	2/27/91
Ch. 802, Sec. 16, 1989 Session Laws	Wetlands Protection Study Commission	3/1/91	3/5/91
Ch. 1074, Sec. 23(d) 1989 Session Laws	State Board of Education, School Supplemental Instructional Material	Prior to 3/15/91	4/30/91
G.S. 120-50	Agriculture, Forestry and Seafood Awareness Study Commission	before 1st Regular Session	
G.S. 120-70.60	Joint Legislative Commission on Seafood and Aquaculture	None Specified	5/26/92
Ch. 754, Sec. 9.5 1991 Session Laws	Commission on Access to Health Insurance Interim Report	by 5/26/92	5/7/92
Ch. 1078, Sec. 6.1 1989 Session Laws; Ch. 755, 1991 Session Laws	Open Government Through Public Telecommunications Commission	by 5/1/92	5/7/92

1991 GENERAL ASSEMBLY REPORTS continued

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
G.S. 120-30.17(2)	Summary of Legislative Research Commission Activities and Authorized Studies		5/7/92
Ch. 754, Sec. 2.3 1991 Session Laws	Beach and Fair Plans/LRC	to 1992 Session	
Ch. 754, Sec. 2.2 1991 Session Laws	Child Day Care Issues/LRC	to 1992 Session	
Ch. 754, Sec. 2.1 (13), 1991 Session Laws	Alternative Approaches to Deal with Discrimination in Employment/LRC	to 1992 Session	
Ch. 754, Sec. 2.1 (32), 1991 Session Laws	Bridging Environmental Science and Technology with Public Policy Decision Making/LRC	to 1992 Session	
Ch. 754, Sec. 2.1 (7)(16)(34), 1991 Session Laws	Financial Institutions /LRC	to 1992 Session	
G.S. 120-30.17(1)	Fire and Occupational Safety at Industrial and Commercial Facilities/LRC	to 1992 Session	
Ch. 754, Sec. 4 1991 Session Laws	State Parks and Recreation Areas/LRC	to 1992 Session	
Ch. 754, Sec. 2.1 (23), 1991 Session Laws	Use of Prison Inmates/LRC	to 1992 Session	
Ch. 754, Sec. 2.1 (11), 1991 Session Laws	Public Health Systems Issues/LRC	to 1992 Session	
Ch. 754, Sec. 2.1 (17)(42), 1991 Session Laws	Railroads and Other Public Transportation/LRC	to 1992 Session	
Ch. 754, Sec. 2.1(1) 1991 Session Laws	Revenue Laws/LRC	to 1992 Session	
Ch. 754, Sec. 2.1 (65), 1991 Session Laws	Voter Participation/LRC	to 1992 Session	
Ch. 754, Sec. 2.1 (3)(49), 1991 Session Laws	Water Issues/LRC	to 1992 Session	
Ch. 754, Sec. 2.1(6) 1991 Session Laws	Worker Training Trust Fund/LRC	to 1992 Session	
Ch. 598, Sec. 9 1991 Session Laws	Joint Legislative Utility Review Committee, Study of Gas Cost Adjustments	to 1992 Session	

1991 GENERAL ASSEMBLY REPORTS continued

AUTHORITY	TITLE	DIRECTED TO REPORT	RECEIVED
THE OFFICE OF THE PRINCIPAL CLERK HAS RECEIVED COPIES OF REPORTS FROM THE FOLLOWING BOARDS, COMMISSIONS, AND AGENCIES DIRECTED TO REPORT TO LEGISLATIVE COMMITTEES. THE REPORTS ARE ON FILE IN THE LEGISLATIVE LIBRARY.			
Ch. 689, Sec. 189 1991 Session Laws	Department of Insurance, Gaps in Private Insurance Coverage for Women, Request for Joint Report with Access to Health Insurance	Governmental Operations and Fiscal Research	3/2/92
Ch. 689, Sec. 221.3 1991 Session Laws	*Cassell, et al. v. Flaherty,* 2nd Quarterly Report of Expenditures	Governmental Operations and Fiscal Research	4/9/92
G.S. 143-6.1	Land Loss Prevention Project Audit Report	State Auditor and Governmental Operations	4/16/92
Ch. 689, Sec. 221.3 1991 Session Laws	*Cassell, et al. v. Flaherty,* 3rd Quarterly Report of Expenditures	Governmental Operations and Fiscal Research	5/4/92
Ch. 689, Sec. 146 1991 Session Laws	North Carolina Manufacturing Directory Report of Proceeds	Governmental Operations and Fiscal Research	5/6/92
G.S. 143B-437A(c)	Industrial Development Fund Quarterly Report	Governmental Operations and Fiscal Research	5/6/92
G.S. 62-15(h)	Utilities Commission Public Staff Annual Expense/Compensation Report	Jt Utility Review; President Pro Tempore; Speaker of the House	7/7/92

H.B. 1340 (Committee Substitute)
June 15, 1992 — see page 86

THE HOUSE PROPOSALS
FOR MODIFYING
THE APPROPRIATIONS AND
BUDGET REVENUE ACT OF 1991

JUNE 9, 1992
(As Amended)

Availability for House Proposals
(In Millions)
June 9, 1992

Beginning Availability	$151.50
Changes - Fees, Transfers	
Court Fee Increase	5.00
Investment Earnings	.25
Controller Substance Abuse Tax	
(a) Transfer from Special Fund	.59
(b) Administrative Cost Witholding	.86
Insurance Assessment Fee Adjustment	.99
Total Changes	7.69
Adjusted Availability	$159.19
Net Appropriation Changes	$158.33
Ending Availability	$ .86

June 9, 1992
(As Amended)

House Proposals
Appropriation Decreases/Increases
by Departments
1992-93

General Fund	Decrease	Increase	Net
Administrative Rules	$ -	$ 4,500	$ 4,500
Administration	-	887,400	887,400
Agriculture	(409,190)	708,424	299,234
Auditor	(118,694)	-	(118,694)
Community Colleges	(2,988,026)	18,054,353*	15,066,327
Correction	(9,828,597)	17,405,898	7,577,301
Crime Control	(88,238)	966,020	877,782
Economic/Community Development	(505,074)	5,180,762	4,675,688
ECD-State Aid to Non-State Agencies	-	2,950,000	2,950,000
Elections	-	24,475	24,475
Environment, Health & Natural Resources	(283,056)	7,285,753	7,002,697
Human Resources	(84,787,058)	115,878,428	31,091,370
Insurance	-	999,944	999,944

H.B. 1340 (Committee Substitute)
House Proposals
Decreases/Increases by Department 1992-93 (Continued)

General Fund	Decrease	Increase	Net
Judicial	(1,000,000)	9,007,993	8,007,993
Justice	(320,497)	1,290,243	969,746
Labor	-	3,836,526	3,836,526
Public Education	(55,186,547)	46,406,086	(8,780,461)
Revenue	-	550,891	550,891
State Controller	-	2,200,000	2,200,000
Transportation	-	2,666,666	2,666,666
Treasurer	-	265,000	265,000
University	(11,363,111)	1,561,131*	(9,801,980)
Salary Reserves Deleted	(1,926,180)	-	(1,926,180)
Salary Increase Reserve	-	108,500,000	108,500,000
Savings - 30% Cut in Positions Vacated by Retirement	(19,500,000)	-	(19,500,000)
TOTAL	$(188,304,268)	$346,630,493	$158,326,225

*Net of tuition.

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H.B. 1340 (Committee Substitute)
House Proposals
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(Page 1-2)
DEPARTMENT OF PUBLIC EDUCATION

1.	Average Daily Membership Adjustment: Adjust FY 1992-93 budget to reflect current projections of average daily membership.	$(13,943,800)
2.	Average Salary Adjustment: Adjust FY 1992-93 budget to reflect current projections of average salaries for teachers and other public school employees.	(32,042,675)
3.	Textbooks: Increase funding for textbooks from $22 to $25 per student in grades 1-12.	3,314,046
4.	Basic Education Program: Revision of funds previously appropriated for FY 1992-93	
	A. Program Enhancement Teachers. FY 1992-93 completes funding of program enhancement teachers in the Basic Education Program.	20,707,032 (Non-Add)
	B. Instructional Support Personnel: Restoration (estimated 82 positions) of a portion of previous reductions. (Does not include assistant principal positions deleted in reductions made in FY 1991-92 and FY 1992-93)	3,000,000 (Non-Add)
	C. Reductions reflect adjustments in appropriations to more accurately reflect changes in average daily membership and average salaries and the inclusion of B above.	(5,200,072)
5.	School Improvement and Accountability Act of 1989: Funding for differentiated pay for FY 1992-93.	29,500,000
6.	Complete implementation of end-of-course/end-of-grade tests in North Carolina Public Schools.	7,592,040
7.	Additional funding for low wealth public school systems. This increases the total funds to $9 million for FY 1992-93.	3,000,000
8.	Reduce General Fund needs in public education by appropriating funds from the Literary Fund.	(1,000,000)
	TOTAL CHANGES IN GENERAL FUND APPROPRIATIONS	($8,780,461)

(Page 3)
COMMUNITY COLLEGES:

1.	Fund Community College Enrollment Increases:		$21,659,442
	Curriculum FTE:	6,549	
	Occupational Extension FTE:	1,108	
	Literacy FTE:	1,241	
	Total FTE:	**8,898**	

H.B. 1340 (Committee Substitute)
House Proposals

Community Colleges (Continued)	**1992-93**
2. Excess FTE Earnings - Reduce 576 occupational extension FTE for a $1 million reduction in the excess profits earned on in-plant training and sheltered workshop programs. No cuts would be taken in actual direct instructional costs; only in "windfall profits."	($1,000,000)
3. Tuition - Increase in-state tuition and occupational extension fees by 10% (rounded to the nearest 25 cents per credit hour): In-state: From $161 to $178.50 per quarter (from $11.50 to $12.75 per credit hour) Occupational Extension: From $30 to $33 per course	($5,605,089)
4. Workforce Preparedness Funds - Funds to enhance the community college funding formula.	$2,000,000
5. Base Budget Reductions:	
a) Curriculum Ratio - Continue the same faculty student ratio as was enacted for the the 1991-92 fiscal year.	($761,135)
b) New and Expanding Industry - Continue the same reduction in this program as was made in the first year of the biennium.	($1,134,815)
c) Eliminate Vacant Positions - Eliminate three vacant positions in the Department of Community Colleges.	($ 92,076)
TOTAL	**$15,066,327**

(Page 4-5)

UNIVERSITY OF NORTH CAROLINA	
1. Budget increased amount of overhead receipts; leave ratio at budgeted 20%	($964,000)
2. Reduce operating reserves to open Ambulatory Care Center at UNC-CH	(4,339,111)
3. Budget portion of prospective reimbursement for Medical Education Costs at ECU Medical School	(1,000,000)
4. Require UNC-General Administration to use portion of overhead receipts for General Fund operations	(1,000,000)
5. Reduce Faculty Study Program by 75%	(300,000)
6. Reduce utilities requirements at 6 campuses	(1,760,000)
7. Reduce appropriation to UNC Hospitals due to excess receipts	(2,000,000)
TOTAL REDUCTIONS	($11,363,111)
Enrollment Increase	
Increase of 3,130 FTE	$17,690,440
Tuition at current rates	(2,462,825)
Net Enrollment Request	$15,227,615
(a) Reduce summer school request to reflect current funding rates	(75,000)
(b) Eliminate proposed enrollment increase in Health Affairs; (all from prior year went to continuing education area: Cost is $20,400 per FTE	(858,373)
Net Enrollment Recommendation	$14,294,242
Tuition Increase	
1. Resident Increase 5%	($4,000,000)
2. Non-resident increase 5% at all schools except doctoral 15% at doctoral campuses	(10,000,000)

H.B. 1340 (Committee Substitute)
House Proposals

		1992-93
University of North Carolina (Continued)		
Tuition Increase (Continued)		
3.	Apply to summer school	(500,000)
4.	Add need-based financial aid for residents	1,500,000
	Net Tuition	**($13,000,000)**
Special Bills		
1.	Funding for HB 1357 (Barnes) for Teacher Training Task Force	$35,000
2.	House Bill 1370 (Redwine) Shellfish Enhancement Funds	231,889
	NET CHANGE: GENERAL FUND APPROPRIATIONS	**($9,801,980)**

(Page 6-7)
DEPARTMENT OF AGRICULTURE

1.	Pesticide Control and Analysis. Funds to implement expanded federal requirements for the training, certification, and inspection of pesticide applicators.	542,674 (8)
2.	Meat and Poultry Division. Fund two positions and support to replace federal monitor positions; fund travel for federally mandated training and for inspection of meat and poultry plants.	186,834 Req 93,417 Rec 93,417 GF (2)
3.	Standards Division. Funding from the gas and oil tax for positions and equipment to implement federal Clean Air requirements for monitoring and registering companies selling oxygenated gasoline.	169,806 Req 169,806 Rec 0 GF (2)
4.	Standards Division. Establish fee for equipment calibration services to purchase advanced calibration equipment.	30,300 Req 30,300 Rec 0 GF
5.	Marketing Division. Fund horticultural/apple marketing specialist for Asheville Farmers Market.	72,333 (1)
6.	Food and Drug. Adjust receipts for Feed Tax.	(40,000)
7.	Food and Drug. Adjust receipts for Lime Tax.	(25,000)
8.	Food and Drug. Adjust receipts for Pesticide Ground Applicators License Fee.	(25,000)
9.	Veterinary Services. Adjust receipts for Veterinary Service fees.	(40,000)
10.	State Farms. Recapture Timber receipts.	($111,000)
11.	State Farms. Reduce equipment funding.	(150,000)
12.	Commodity Distribution. Eliminate salary and benefits for vacant Stock Clerk position.	(18,190) (-1)
TOTAL EXPANSION		$1,001,947 Req 293,523 Rec 708,424 GF (13)

H.B. 1340 (Committee Substitute)
House Proposals
Department of Agriculture (Continued) 1992-93

TOTAL REDUCTIONS	(409,190)
	(-1)
TOTAL AGRICULTURE	$299,234
	(12)

(Page 8-9)
DEPARTMENT OF ECONOMIC AND
COMMUNITY DEVELOPMENT
INDUSTRIAL COMMISSION

1. Fund optical disk storage system and related support.	$582,322
	(3)
2. Fund ombudsman position to respond to inquiries.	45,175
	(1)
3. Fund positions to adjudicate increased number of contested cases.	255,221
	(6)
4. Fund additional law clerks to reduce delays in processing contested claims.	82,500
	(2)
5. Fund additional position to process compromise settlement agreements.	45,175
	(1)
6. Fund additional position to facilitate closing of claims.	23,937
	(1)
7. Provide funding for the Industrial Commission to move into rented space and support for mail room staff and equipment.	333,970
	(4)
8. Fund additional staff to reduce delay in processing non-contested claims.	51,945
	(2)
9. Fund additional staff to increase compliance of companies covered under the Workers' Compensation Act.	133,677
	(3)
10. Fund additional staff to provide rehabilitation services to injured employees.	39,437
	(1)
11. Fund additional safety position to assist in reducing work related accidents.	33,329
	(1)
12. Funds for medical consultant to review medical bills submitted with claims.	62,400
SUBTOTAL INDUSTRIAL COMMISSION	$1,689,088
	(25)
13. N.C. Film Office. Increase operating support.	$ 100,000
14. HOME. Match federal housing funds.	3,000,000
15. PHHHP (Homeless Program). Provide 1 position and administrative support.	42,897
	(1)
16. International Development. Fund 1 position currently supported by private funds.	23,777
	(1)
17. International Development. Increase travel.	75,000
18. Travel and Tourism. Increase advertising.	250,000

H.B. 1340 (Committee Substitute)
House Proposals
Department of Economic and Community Development (Continued)

	1992-93
19. Main Street Financial Incentive Fund. Recapture interest.	($40,000)
20. Hazardous Waste Management Commission. Eliminate vacant engineer position.	(59,950) (-1)
21. Hazardous Waste Management Commission. Eliminate General Fund support for Commission due to private siting of hazardous waste facility.	($236,719) (-2)
22. Rural Electrification Authority. Eliminate GF support (100% fee support since 1991).	(97,931)
23. Business Assistance. Eliminate Information and Communication Specialist III and Computer Programmer II positions which were funded but never established.	(70,474) (-2)
TOTAL EXPANSION	$5,180,762 (27)
TOTAL REDUCTIONS	(505,074) (-5)
TOTAL ECD	$4,675,688 (22)

(Page 10-12)
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

1. Low Level Radioactive Waste Site Permitting. Fund permitting and licensing personnel for required activities for the proposed site.	$1,101,620 (12)
2. Communicable Disease Control. Funds for local health departments, pharmaceuticals, partner notification program and HIV testing.	1,118,754 (6)
3. Zoo. Provide operating support for new Desert Pavilion facility (staggered start dates).	323,972 (14)
4. Zoo. Provide operating support for new North America habitat facilities (staggered start dates).	400,000 (27)
5. Solid Waste. Fund additional technical assistance to local governments to meet waste reduction goals.	319,902 (6)
6. Solid Waste. Fund positions in Septage Program.	125,000 (3)
7. Waste Reduction. Fund additional technical assistance in pollution prevention and solid waste recycling.	214,612 (4)
8. Maternal and Child Health. Fund special therapies and appliances under P.L. 99-457.	1,397,236 (17)
9. Maternal and Child Health. Reduce surplus in Children's Special Health Services.	(100,000)

H.B. 1340 (Committee Substitute)
House Proposals
Department of Environment, Health, and Natural Resources (Continued)

	1992-93
10. Maternal and Child Health. Funding for development of parent education protocols.	$25,000 (1)
11. Maternal and Child Health. Funding to establish four comprehensive adolescent health care demonstration projects. (effective 1-1-93).	100,000
12. Maternal and Child Health. Funding to contract with UNC Center on Early Adolescence to provide technical assistance and to evaluate adolescent health care projects.	50,000
13. Maternal and Child Health. Funding to provide required vaccines to additional children.	900,000
14. Maternal and Child Health. Continue grant-in-aid for N.C. Adolescent Pregnancy Prevention Coalition.	75,000
15. Maternal and Child Health. Fund additional support for sickle cell program and centers.	560,000 (4)
16. Maternal and Child Health. Funds to provide a grant-in-aid to the Board of Governors of the University of North Carolina for a program at the School of Medicine at the University of North Carolina at Chapel Hill to implement the "Cocklear Implant" procedure and other services for deaf children.	270,000
17. Health Statistics. Funds for study on relationship between family poverty and child death.	39,657 (1)
18. Environmental Health. Fund positions in On-Site Sewage Program.	265,000 (5)
19. Forest Resources. Adjust timber products receipts.	(95,000)
20. Environmental Management. Eliminate Hydrogeological Technician II position which was funded but never established.	(28,752) (-1)
21. Health Lab. Eliminate Chemistry Technician I position vacant since 9/01/90.	(23,153) (-1)
22. Health Lab. Eliminate Cytotechnologist I position vacant since 3/31/91.	(36,151) (-1)
TOTAL EXPANSION	$7,285,753 (100)
TOTAL REDUCTIONS	(283,056) (-3)
NET APPROPRIATION	$7,002,697 (97)

H.B. 1340 (Committee Substitute)
House Proposals
(Page 13)

DEPARTMENT OF LABOR	1992-93
1. OSHA. Annualize 27 safety officer positions funded in 1991.	1,587,825 (27)
2. OSHA. Increase staffing to meet federal benchmarks (fund 25% of positions each quarter).	1,779,793 (53)
3. Wage & Hour. Add positions to reduce backlog.	170,000 (5)
4. Elevator Inspection. Add positions due to increased demand.	308,661 Req 91,055 Rec 217,606 GF (10)
5. Boiler Inspection. Add positions due to increased demand.	91,019 Req 91,019 Rec 0 GF (2)
6. Mine & Quarry. Fund position that was federally funded.	51,484 (1)
7. BLS Survey. Add 2 positions to meet increased federal data requirements.	59,636 Req 29,818 Rec 29,818 GF (2)
TOTAL LABOR	$4,048,418 Req 211,892 Rec $3,836,526 GF (100)

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NON-STATE ENTITIES

Economic Development Funds. Funds to support economic development activities in minority neighborhoods and communities and programs that assist small business.	$2,950,000

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DEPARTMENT OF ADMINISTRATION	
1. Pay inauguration expenses and transition costs for incoming Governor and Council of State members.	$135,000
2. Eliminate deficit in scholarship program for children of veterans.	540,000
OFFICE OF STATE PERSONNEL	
1. Pay increased costs resulting from more extensive use of the Personnel Management Information System (PMIS).	150,000
2. Continue Unemployment Insurance Contract.	62,400
DEPARTMENT OF STATE CONTROLLER	
1. Continue Accounting System changeover.	2,200,000
DEPARTMENT OF INSURANCE	
1. Restore Consumer Protection Fund to $1,000,000 as allowed by General Statutes 58-2-215.	717,944

H.B. 1340 (Committee Substitute)
House Proposals

Department of Insurance (Continued)		1992-93
2. Establish a Regulatory Unit to monitor more closely alternative health insurance providers such as Preferred Provider organizations, Multiple Employer Welfare Arrangements and 3rd Party Administrators.		97,000 (2)
3. Fire Safety Inspection Assistance Program. To assist local governments in their understanding and enforcement of the State's Fire Safety Code.		185,000 (4)

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STATE BOARD OF ELECTIONS

1. Provides for additional clerical position for the Campaign Reporting Office.		$23,411 (1)
2. Provides Telecommunications Device for communicating with hearing-impaired persons.		1,064

ADMINISTRATIVE RULES REVIEW COMMISSION

1. Provides funds for conference room rental.		4,500

DEPARTMENT OF STATE AUDITOR

1. Reduce Contributions to Firemen's and Rescue Squad Pension Fund for 1992-93 without reduction in services or benefits.		
Firemen's Pension Fund	$113,269	
Rescue Squad Pension Fund	5,425	
		(118,694)

DEPARTMENT OF REVENUE

Controlled Substance Tax Program

1. Appropriate funds to continue support for 11 positions and operating expense which was previously provided by Federal Funds.		550,891 (11)
2. Transfer funds from Controlled Substances Tax Special Fund Code to the General Fund as a non-tax revenue to support continuation of the program at its current level.		
Federal	$550,891 (11)	
General Fund	43,267 (02)	

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STATE TREASURER

Investment and Banking Division

1. Provide increase in services of Investment advisors to increase investment earnings. (Non-tax revenue increase will offset requirements).		$250,000
2. Provide funds to implement transfer of Fire and Rescue Squad Pension Fund operations to the State Treasurer's Office.		15,000

H.B. 1340 (Committee Substitute)
House Proposals
(Page 18-22)

DEPARTMENT OF HUMAN RESOURCES	1992-93
Continuation Budget Changes:	
DIVISION OF MEDICAL ASSISTANCE	
1. Disproportionate Share Revenue: Funds donated to the state by hospitals to offset the cost of unbudgeted utilization increases in the Medicaid program for FY 92-93	($65,621,280)
2. Savings due to Carolina Access Program and Other Services. Anticipated savings associated with the Carolina Access Program and cost containment activities planned for other services for FY 92-93.	(2,800,000)
3. Increase Recipient Co-payment for Medicaid Services. Increase recipient co-payments across all allowable services to the maximum allowed by federal regulation.	(337,000)
4. Adjustments to the Utilization and Inflationary Increases for Medical Care Providers to be implemented by the Division of Medical Assistance.	(5,300,000)
DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES	
1. Increase Institutional Patient Receipts. Adjustments to patient receipts in state psychiatric hospitals and mental retardation centers to more accurately reflect anticipated revenues.	(7,661,000)
2. Elimination of Operating Reserves. Elimination of reserve to operate the second Alzheimers Unit at Black Mountain Center which is now scheduled to open in spring in 1993-94 and the elimination of reserves no longer needed for the state institutions' Central Food Production Unit.	(2,313,945)
DIVISION OF SOCIAL SERVICES	
1. Domiciliary Care Budget: Adjustment to reflect reduction in the average monthly payment made on behalf of domiciliary care residents due to larger than anticipated Cost of living increases in resident social security payments.	($753,833)
Total Continuation Budget Changes	($84,787,058)
Expansion:	
DIVISION OF MEDICAL ASSISTANCE	
1. Change in the Federal Participation Rate: Funds to support reduction in the FFP rate from 66.52% to 65.92% effective 10/1/92	8,944,227
2. Medicaid Utilization Increase: Funds to support unbudgted costs in the Medicaid Program due to unanticipated increases in utilization, rising eligibles, and increases in nursing home beds.	70,298,828
3. Update Poverty Level in April: Funds to provide for increasing eligibility thresholds to reflect annual federal poverty levels in April rather than in July.	166,118
4. Drug Utilization Review: Funds to support a federally mandated Drug Utilization Review Program.	125,000

H.B. 1340 (Committee Substitute)
House Proposals
Department of Human Resources—Expansion (Continued)
Division of Medical Assistance (Continued) **1992-93**

5.	Infant Mortality/Early Periodic Screening, Diagnosis and Treatment (EPSDT) Funds: Funds to develop a computerized management information system and to support administration of EPSDT Program.	500,000
6.	Preventive Mamogram Screenings. Funds to cover the cost of providing preventive mamogram screenings for medicaid eligible women.	75,000

DIVISION OF FACILITY SERVICES

1.	Child Day Care. Funds to provide match requirements for federal Family Support Act funds that will be used to serve the increased number of eligible children. This amount of state funds will earn approximately $24M in federal funds.	$12,431,072
2.	Federal Financial Participation Rate Change. Funds needed due to change in the federal financial participation rate from 66.52% to 65.92%.	160,600
3.	Home Care Licensure Funds. Funds to implement the requirements of the Home Care Licensure Act enacted in 1991.	80,121 (2)

DIVISION OF YOUTH SERVICES

1.	Prison Bond Package Operating Fund. Funds to support the operating expenses of projects scheduled to be completed during the 1992-93 fiscal year.	1,091,170 (56)
2.	Eckerd Camp. Funds to restore slots, upgrade counselor's salaries, and adjust program contract.	300,000
3.	New Hanover Detention Center. Funds for the operation of the New Hanover Youth Detention Center as a state operated regional detention facility.	500,000

DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES

1.	Willie M Program. Funds to continue the state-operated secure-bed treatment center at Butner and for specific services needed for individual Willie M class members.	3,584,000
2.	First Step Farm for Women. Funds to operate a 15 bed substance abuse residential program for women.	$ 243,000
3.	Mental Health, Developmental Disabilities and Substance Abuse Services Funds. Funds to expand services in accordance with the Mental Health Study Commission Service Plans and Coalition 2001.	5,000,000
4.	Early Childhood Intervention Services. Funds to provide transportation services to infants and toddlers receiving early childhood intervention services in accordance with PL 99-457.	516,135

DIVISION OF SOCIAL SERVICES

1.	AFDC Supplemental Funds: Funds to support unbudgeted growth in AFDC caseloads.	2,767,749
2.	AFDC-UP Supplemental Funds: Funds to support unbudgeted growth in AFDC-UP caseloads.	1,407,894

H.B. 1340 (Committee Substitute)
House Proposals
Department of Human Resources—Expansion (Continued)
Division of Social Services (Continued)

	1992-93
3. Infant Mortality/Maternity Care Home Funds: Funds to support annual cost of services for eligible women who receive care from maternity homes.	300,000
4. Child Fatality Task Force/Child Medical Evaluation Program: Funds to support the annual cost of continuing comprehensive medical and mental health evaluations for children who are suspected of being abused and/or neglected. Of this sum, 180,000 is a one time appropriation for past obligations.	935,750
5. Child Fatality Task Force/County Child Protective Services: Funds support the cost of child protective services staff and services. Funds to be allocated to counties on the basis of their relative share of statewide reports to the Child Abuse and Neglect Registry. Effective July, 1992.	1,000,000
6. Child Fatality Task Force/Biennial Reviews of Child Protective Services Programs. Funding to Support 2 positions to conduct biennial reviews of local CPS programs, effective July 1, 1992.	$ 80,680 (2)
7. Child Fatality Task Force/Child Protective Services Hotlines: Funds to support the establishment of 24 hour CPS dedicated telephone lines in counties statewide effective July 1, 1992.	62,000
8. Rest Home Rate Increases: Funds to increase the maximum monthly rate from $832 to $876 for ambulatory and from $871 to $915 for semi-ambulatory residents. Effective July 1, 1992.	
Social Services Requirements	$7,036,248
Receipts (County)	3,518,124
Appropriation	3,518,124
9. Adoption Subsidy. Funds to increase the subsidy to families who adopt children with special needs from $150 to $200 per month effective 7/92.	440,000
10. Social Services. Funding to support grants for family centered services.	150,000

OFFICE OF THE SECRETARY

1. Rural Health Recruitment Funds. Funds to provide stipends for general medicine residents who elect to practice in underserved areas of the State.	100,000

DIVISION OF VOCATIONAL REHABILITATION

1. Funds to expand the Independent Living Rehabilitation Program. $130,000 to fund the Wilmington and Hickory programs and $250,000 to establish a new program in Greensboro.	380,000

STATE AID TO NON STATE AGENCIES

1. Infant Mortality/Children's Home Society: Funds to support prenatal counseling and services to pregnant women and adoption placement services for infants with special medical needs.	$ 50,000

H.B. 1340 (Committee Substitute)
House Proposals
Department of Human Resources—Expansion (Continued)
State Aid to Non State Agencies (Continued) 1992-93

2. Autism Summer Camp Funds. Grant-in-Aid to the Autism Society of North Carolina to support operations of their programs and to support a children's/adult's summer camp. 345,960
3. Autism Camp and Conference Center. Grant-in-Aid to the Autism Foundation of North Carolina for the develoment of a summer camp and conference center. $300,000
4. Grant-in-Aid for the North Carolina Council on the Holocaust. 25,000

Total Expansion **$115,878,428**

Net Change **$31,091,370**
(60)

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DEPARTMENT OF CORRECTION

Continuation Budget Changes:

1. Adjustment to Operating Reserves for Facilities under Construction or Funded: These adjustments are due to changes in staffing patterns, size of facilities, and projected operational dates. ($4,857,515)
1a. Adjust Reserve due to revised completion date for facility at Lumberton. ($1,900,000)
2. Elimination of Duplicate Funding. This reduction in reserves is due to duplicate funding for positions needed to operate new facilities. (3,071,082)

TOTAL CONTINUATION BUDGET REDUCTIONS: ($9,828,597)

Expansion Budget:

1. Funding for Underbudgeted Line Items: These funds are needs to cover FY 1991-92 requirements that have not been paid ($3,765,591 non-recurring for food, clothing, State Information Processing Services charges, and operating expenses for the Parole Commission) and FY 1992-93 recurring expenses ($8,519,615) for medical costs, extradition, outside prisoner housing, and housekeeping and kitchen/dining supplies. 12,285,206
2. Critical Prison Staffing Needs: Funds for staff to meet needs due to 1) increased admissions at diagnostic centers at Hoke, Odom, Piedmont, and Rowan, 2) security and medical services at Hoke and Blanche; 3) programming at Craggy, and 4) security at Sandhills Youth Center. 2,590,692
(131)
3. State Information Processing Services: Funds for increased processing charges from SIPS due to increased admissions and number of inmates, additional data on inmates, parolees, and probationers, and development of a perpetual inventory system. The deficiency for FY 1991-92 is projected to be $2,515,702. 2,030,000

H.B. 1340 (Committee Substitute)
House Proposals

Department of Correction—Expansion (Continued)	1992-93
4. Funding for Offender Drug Screening Program Funds to continue the drug screening program for probationers and parolees that is supported by federal funds through June 30, 1992.	$ 500,000
	(6)
TOTAL EXPANSION BUDGET	$17,405,898
NET CHANGE	$7,577,301

Note:

If the $87.5 million requested bonds are approved, for additional prisons, the original request was for $1,923,791 for FY 1992-93 to begin staffing these facilities. That amount has been revised to $1,589,479 with the latest proposal recommended by Secretary Bounds.

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JUDICIAL DEPARTMENT

Continuation Budget Changes:

1. Reduce employer retirement contribution for the Consolidated Judicial Retirement System by 3.43% for FY 1992-93. The rate for FY 1992-93 would then be:		
Normal	14.82%	
Accrued Liability	8.66%	
Death Benefit	.55%	
Health Insurance	2.00%	
Total	26.03%	($1,000,000)

Expansion Budget:

1. Indigent Persons' Attorney Fee Fund Projected Shortfalls: Funds to cover the projected shortfall of $1,000,000 to $1,200,000 for FY 1991-92 due to increased number of indigent persons being represented, increases in cost of representation, and the "Little Rascals" case. The projected deficit for FY 1992-93 is based upon anticipated growth in number of cases and cost of representation.	$3,590,000
2. New Judicial Department Personnel Requests: Funds for new personnel to meet increased caseloads and filings. (See attached list.)	3,329,432
	(123)
3. Guardian Ad Litem Program: Funds to support additional Guardian Ad Litem Coordinators to recruit, train, and assign volunteers for the approximate 11,000 children in need of advocacy and appropriate representation in cases of abuse and neglect, dependency, and contested termination of Parental Rights cases. Currently 30 of 37 districts now have staffed programs.	577,000
	(15)
4. Increased Operating and Equipment Requirements: Funds to replace equipment (copiers, courtroom recording equipment, printing and filing shelves).	250,000

H.B. 1340 (Committee Substitute)
House Proposals

Judicial Department—Expansion (Continued)	1992-93
5. Expansion of Court Information System: Expand court information processing for the financial systems of bookkeeping, accounting, cash receipting, and child support/enforcement, rewriting of the case processing system, and the civil indexing system.	253,561
6. Access to Civil Justice for Indigents: Continue funds previously appropriated for indigent persons to have legal aid in civil matters.	1,000,000
7. Fund Transylvania Dispute Settlement Center: Sixteen counties now have dispute settlement centers which are partially funded by the State. Two counties (Pitt and Transylvania) now operate centers with no State support. The FY 1991-92 budgets are $54,979 and $43,477 respectively. This would provide 18 percent of the operating budget for the the center in Transylvania.	8,000
8. Provide legal representation, to individuals in executive clemency hearings, through lawyers reimbursed by the Indigent Persons Attorney Fee Fund or the Office of the Appellate Defender. The amount of funds may vary dependent upon number of cases heard each year.	-
TOTAL EXPANSION BUDGET	$9,007,993
	(138)
NET CHANGE	$8,007,993

Recommendation:

To partially fund the expansion budget recommendation, the Committee recommends that court costs be increased by $5.00. Of this increase $3.50 will be alloted to the General Court of Justice Fee and $1.50 will be alloted to the Facility Fee which is remitted to the counties.

(Page 28-29)
CRIME CONTROL AND PUBLIC SAFETY

Continuation Budget Change:	
1. Delete Vacant Positions. Delete non-critical vacant position(s) equal to the value of the reduction.	$(88,238)
Expansion:	
1. Restore Budget for Gasoline. In the 1991 Session adjustments for fuel tax affecting the General Fund budget reduced more funding than was required for ALE and Butner Public Safety. Appropriation restores excess tax paid by the two divisions.	$67,137
2. Operational Expense for Additional Facility. Provide operational expense for new Air National Guard maintenance hangar at Douglas International Airport in Charlotte. Facility becomes operational in March, 1993.	
Requirements	22,469
Receipts	16,852
Appropriation	5,617
Position(s)	(1)

H.B. 1340 (Committee Substitute)
House Proposals

Crime Control and Public Safety—Expansion (Continued)	1992-93
3. Operational Cost for Existing Logistical Facilities. Funding provides additional match to support a new Housekeeping position, supplies, repairs and maintenance for 25 existing facilities.	
Requirements	274,620
Receipts	205,964
Appropriation	68,656
Position(s)	(1)
4. Matching Funds for Hurricane Hugo. Funds are required to complete payments to local agencies for damages incurred as a result of the disaster.	556,626
5. National Guard Pension Fund. Increase Pension Fund requirements.	17,984
6. Summit House Continued funding for Summit House a community-based residential alternative for pregnant women convicted of non-violent crimes.	250,000
Total GF Expansion	**$966,020**
Total Positions	**(2)**
Total Net GF Continuation Budget Change	**$877,782**

HIGHWAY PATROL

1. Motor Vehicle Operation. Adjust appropriation due to fuel tax exemption approved in the 1991 Session.	($603,913)
Total HF Continuation Budget Change	**($603,913)**

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DEPARTMENT OF JUSTICE
Continuation Budget Changes:

1. Delete Vacant Positions. Delete non-critical vacant position(s) equal to the value of the reduction.	$(90,870)
2. Eliminate Duplicate Funding. Reduce budget by eliminating duplicate funding placed in reserve for the Lake Gaston and Mobil Oil projects.	(229,627)
Total Continuation Budget Reductions	$(320,497)
Total Position Reductions	

Expansion:

1. Provide Additional Legal Services. Authorizes replacement funding for an attorney position in the Property Section, as a result of an adjusted receipt from the State Ports Authority.	
Requirements	69,351
Receipts	24,300
Appropriation	45,051
2. Provide Optical Retrieval System/Disk Storage System for DCI. Appropriate funding to store files more efficiently and safely. Provides expansion capability without using additional space.	180,000
3. Twelve (12) SBI Agents. Funds to restore a portion of the 23 positions lost in the last two years, and assist with increasing drug and violent crime cases.	$897,036
	(12)

H.B. 1340 (Committee Substitute)
House Proposals

Department of Justice—Expansion (Continued)	1992-93
4. Staff for Labor Section (Workplace Safety). Add personnel in Labor Section to meet increased OSHA caseloads in the Department of Labor.	$168,156
	(4)
Total Expansion	1,290,231
	(16)
Net Change	$969,746
Total Positions	(16)

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Additional Items

Reserve for Salary Reduction - Positions Vacated by Retirees Reduce the budgeted position salary of positions vacated due to retirement by 30%.	(19,500,000)
Reserve for Salary Increases	108,500,000
Salary Reserves Delete salary reserve from departmental budgets as outlined on the following page.	(1,926,180)

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SALARY RESERVE AS OF JUNE 5, 1992
(Includes Ret/Soc. Sec.)

Agency	Salary Reserve
Judicial Department	217,824
Governor's Office	40,306
Lieutenant Governor's Offic	14,235
State Auditor	4,754
State Treasurer	1,507
Department of Public Instruction	45,420
Justice	82,650
Department of Agriculture	43,337
Department of Labor	64,083
Department of Insurance	77,439
Department of Administration	60,496
State Controller's Office	31,866
NRCD	269,165
ARC Black Mountain	6,239
ARC Butner	458
ARC Greenville	931
N. C. Special Care Center	8,046
Black Mountain Center	10,545
Human Resources - Secretary's Office	27,079
Division of Aging	59
N. C. Schools for the Deaf and Blind	34,050
Social Services	43,139
Medical Assistance	10,797
Services for the Blind	39,014
Mental Health	70,385
Dorothea Dix	7,810
Broughton Hospital	32,966
Cherry Hospital	16,453
John Umstead Hospital	1,539

H.B. 1340 (Committee Substitute)
House Proposals
Salary Reserves (Continued) **1992-93**

Western Carolina Center	16,673
O'Berry Center	15,354
Murdock Center	11,827
Caswell Center	32,805
Facility Services	57,521
Division of Vocational Rehabilitation	12,826
Youth Services	73,791
E & CD	27,447
Revenue	301,808
Cultural Resources	4,260
Crime Control	50,678
UNC General Administration	15,800
A & T University	10,360
Winston-Salem State	22,896
N. C. Central University	1,185
N. C. School of Science and Math	5,695
Community Colleges	135
Office of Administrative Hearings	484
Administrative Rules Review Commission	2,043
TOTAL	**$1,926,180**

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	1992-93 General Fund
TRANSPORTATION - AID TO AIRPORTS	
State Aid:	
1. Increase aid to airports based on sales tax increase on aviation fuel, equipment and parts (5955-3000)	2,666,666

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NORTH CAROLINA HIGHWAY FUND
HOUSE PROPOSED FY 1992-93 BUDGET

IDENTIFIED PROBLEMS	
Revenue Shortfall	$36,198,000
Compensation Increase	7,045,254
Modified Expansion (attached)	7,947,522
Mandatory (statutory) Requirements	
— Powell Bill	446,402
— Secondary Roads	446,402
— Transfer to General Fund (sales tax exemption)	700,000
TOTAL	**$52,783,580**

H.B. 1340 (Committee Substitute)
House Proposals
Highway Fund (Continued)

	1992-93
PROPOSED SOLUTIONS	
Credit Balance	$ 5,400,000
Program Reductions	
— Secretary's Office	295,000
— Contract Resurfacing	15,000,000
— Small Urban	1,000,000
— Spot Safety	1,000,000
— Ferry Operations	750,000
— Reserves (Salaries & Benefits)	2,821,209
— Highway Patrol (fuel)	603,913
— Federal-aid match	18,000,000
— Maintenance Reduction - Secondary	559,204
Total Reductions	**$40,029,326**
Transfer (Equipment fund)	7,354,254
TOTAL	**$52,783,580**
MODIFIED EXPANSION BUDGET	
1. General Administration SIPS charges	$750,000
Continue design and development of financial accounting and reporting system	2,944,922
2. Division of Motor Vehicles Driver Licensing Computer	2,948,600
Veh. Registration system design	550,000
Vehicle registration Plates and Stickers	100,000
Driver License Telecommunications	240,000
Driver License Photographic Cost	77,000
Driver License Rent	57,000
Enforcement Section Mileage Cost	280,000
MODIFIED EXPANSION	**$ 7,947,522**
Reductions:	
1. Eliminate 3 Special Assistants for Regional Affairs, 3 Secretary IV positions and travel ($10,000). (0190 - Various)	($295,000)
2. Reduce contract resurfacing. (5241)	(15,000,000)
3. Reduce small urban construction funds allocated by members of the Board of Transportation. (5131)	(1,000,000)
4. Reduce Spot Safety funds due to increase in federal-aid for safety projects. (5171)	(1,000,000)
5. Reduce state match for federal funds. Use Highway Trust Fund to match federal projects. (5601)	(18,000,000)
6. Reduce Ferry Division operations based on findings of the State Auditor's performance and financial audit. (3160 - various)	(750,000)
7. Reduce salary and benefit reserves	
- merit salary increments (6710)	(86,143)
- hospital/medical increase (6723)	(2,675,722)
- salary adjustment fund (6802)	(59,344)

H.B. 1340 (Committee Substitute)
House Proposals

Highway Fund—Reductions (Continued)	Highway Fund
8. Reduce Highway Patrol budget for elimination of motor fuel tax on state agency purchases. (6270). Included in JPS report.	(603,913)
9. Reduce Secondary road maintenance. (5221)	(559,204)
TOTAL REDUCTIONS	**$40,029,326**
Increases:	1992-93
11. Increase secondary road construction based on 1 3/4 cents of the estimated Motor Fuels Tax. (5121)	446,402
12. Increase state-aid to municipalities (Powell Bill) based on 1 3/4 cents of the estimated Motor Fuels Tax. (5910)	446,402
13. Increase budget for telephone line charges paid to SIPS due to increased use of computer systems in DOT field units. (0220-2322)	750,000
14. Continue development of a new financial accounting and reporting system. This phase of the project will include purchasing, accounts payable, budgetary control, and financial controller modules. (0220)	2,944,922
15. Fund the hardware and software for new Driver Licensing Computer System. (0510)	2,948,600
16. Supplement funding for the design of new vehicle registration system. $458,000 is already appropriated. (0510)	550,000
17. Increase funds for vehicle registration plates and stickers. The increase restores half of a cut made by the 1991 General Assembly. (0520-2443)	100,000
18. Increase the Driver's License telecommunications budget for payment to SIPS due to increased computer time for the Commercial Drivers License program, and for shared charges previously paid for by the department's computer division. (0530-2322)	240,000
19. Increase line for rent of Drivers License photo equipment due to increase in contract with the Polaroid Corporation. (0530-2524)	77,000
20. Increase rental line for Driver License Offices to help fund 7 express offices and 4 regular offices. (0530-2330)	57,000
21. Increase in-state transportation due to a 5 2" per mile increase in Motor Fleet Management rates and for an increase in the number of vehicles used. (0570-2237)	280,000
22. Create reserve for salary increase for Highway Fund employees.	7,045,254
23. Increase transfer to General Fund for reimbursement of sales tax exemption.	700,000
TOTAL INCREASES	**$16,585,580**
Other Adjustments:	
24. Transfer funds from the Equipment Fund for expansion items and to help with revenue shortfall.	7,354,254
25. Use estimated credit balance at the end of FY 91-92 for expansion items and to help with revenue shortfall.	5,400,000

H.B. 1340 (Committee Substitute)
House Proposals
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HIGHWAY TRUST FUND

A net increase in Highway Trust Fund revenue is apportioned according to formula established in G.S. 136-176(b) as follows:

Intrastate System (61.95%)	2,800,081
Secondary Road Construction (6.5% + fees)[1]	1,113,365
Urban Loops (25.05%)	1,207,661
State Aid - Municipalities (6.5%)	313,365
Program Administration (4.5%)[2]	(434,472)
	$5,000,000

[1] Secondary roads receive half of the revenue deposited into the Trust Fund from increased title fees.

[2] Program administration receives it percentage "off the top" before a distribution is made to the other categories.

H.B. 1340 (Proposed Senate Committee Substitute—5712)
June 19, 1992 — see page 122

SENATE PROPOSALS
FOR MODIFYING
THE APPROPRIATIONS AND
BUDGET REVENUE ACT OF 1991
JUNE 19, 1992

SENATE
GENERAL FUND AVAILABILITY
June 19, 1992

Beginning Availability	**$151.50**
Increases:	
Court Fee Increases	5.60
Investment Earnings	.25
Controlled Substances Tax	
(a) Transfer from Special Fund	.59
(b) Administrative Cost Withholding	.86
Insurance Assessment Fee Adjustment	1.19
Transfer of funds from Motor Fleet Management Division to State Treasurer-Non-Tax Revenue	1.60
Equipment Reserve Funds to Non-Tax Revenues	.35
Total Increases	**$10.44**
Adjusted Availability	**$161.94**
Net Appropriation Changes	**$161.92**
Ending Availability	**.02**

Senate
Appropriation Decreases/Increases
by Departments
1992-93

General Fund	Decrease	Increase	Net
Administrative Rules	$ -	$ 4,500	$ 4,500
Administration	(12,000)	1,642,990	1,630,990
Agriculture	(409,190)	908,424	499,234
Auditor	(118,694)	119,778	1,084
Community Colleges	(1,895,950)	12,449,662*	10,553,712
Correction	(9,828,597)	17,628,997	7,800,400
Crime Control	(88,238)	966,020	877,782
Economic/Community Development	(268,355)	2,950,988	2,682,633
ECD-State Aid to Non-State Agencies	-	3,125,000	3,125,000
Elections	-	24,475	24,475
Environment, Health & Natural Resources	(101,905)	6,587,542	6,485,637
Human Resources	(85,176,058)	124,470,157	39,294,099
Insurance	-	1,189,944	1,189,944
Judicial	(1,000,000)	7,000,000	6,000,000
Justice	(320,497)	1,027,671	707,174
Labor	-	3,730,421	3,730,421
Public Education	(53,410,547)	40,114,046	(13,296,501)
Revenue	-	1,194,007	1,194,007
State Controller	-	2,200,000	2,200,000
Transportation	-	2,666,666	2,666,666
Treasurer	-	265,000	265,000
University	(10,363,111)	(374,869)*	(10,737,980)
Salary Reserves Deleted	(1,926,180)	-	(1,926,180)
Salary Increase Reserve	-	114,550,000	114,550,000
Savings - 30% Cut in Positions Vacated by Retirement	(19,000,000)	-	(19,000,000)
Reserve for Integrated Tax Administration System	-	1,400,000	1,400,000
TOTAL	$(183,919,322)	$345,841,419	$161,922,097

*Net of tuition.

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H.B. 1340 (Proposed Senate Committee Substitute—5712)

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(Page 1-2)	1992-93
DEPARTMENT OF PUBLIC EDUCATION	
1. Average Daily Membership Adjustment: Adjust FY 1992-93 budget to reflect current projections of average daily membership.	$(13,943,800)
2. Average Salary Adjustment: Adjust FY 1992-93 budget to reflect current projections of average salaries for teachers and other public school employees.	(32,042,675)
3. Textbooks: Increase funding for textbooks from $22 to $25 per student in grades 1-12.	3,314,046
4. Basic Education Program: Revision of funds previously appropriated for FY 1992-93	
A. Program Enhancement Teachers. FY 1992-93 completes funding of program enhancement teachers in the Basic Education Program.	20,707,032 (Non-Add)
B. Instructional Support Personnel: Restoration (estimated 82 positions) of a portion of previous reductions. (Does not include assistant principal positions deleted in reductions made in FY 1991-92 and FY 1992-93)	3,000,000 (Non-Add)
C. Reductions reflect adjustments in appropriations to more accurately reflect changes in average daily membership and average salaries and the inclusion of B above.	(5,200,072)
5. School Improvement and Accountability Act of 1989: Funding for differentiated pay for FY 1992-93.	29,500,000
6. Complete implementation of end-of-course/end-of-grade tests in North Carolina Public Schools.	2,000,000

H.B. 1340 (Proposed Senate Committee Substitute—5712)

DEPARTMENT OF PUBLIC EDUCATION (Continued)	1992-93
7. Additional funding for small public school systems. This increases the total funds to $9 million for FY 1992-93.	$ 5,000,000
8. Reduce General Fund needs in public education by appropriating funds from the Literary Fund.	(1,000,000)
9. Implementation of site-based management program.	300,000
10. Tuition charge to out-of-state students enrolled in North Carolina public schools.	(1,224,000)
TOTAL CHANGES IN GENERAL FUND APPROPRIATIONS	**($13,296,501)**

(Page 3)

COMMUNITY COLLEGES	
1. Enrollment Increase - Increase enrollment to a net of 8,322 FTE after reducing 576 FTE from occupational extension FTE to adjust for excess earnings in sheltered workshops and in-plant training programs.	$20,659,442
2. Tuition Increase - Increase in-state tuition by 20% (from $161 to $192.50 per quarter) and occupational extension fees from $30 to $36.	(10,269,780)
3. Workforce Preparedness - Funds to enhance the Community College funding formula for worker training.	2,000,000
4. Focused Industrial Training Centers - Enhance 31 FIT centers from $74,000 to $90,000 each.	496,000
Funds are from Worker Training Trust Fund receipts.	(496,000)
5. Base Budget Reductions - Continue the 1991-92 base budget reductions in the curriculum ratio and New Industry Program.	(1,895,950)
6. Transfer UNC funds for Chinqua-Penn Plantation- Transfer funds from UNC to Community Colleges for the operation of Chinqua-Penn Plantation.	60,000
TOTAL	**$10,553,712**

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UNIVERSITY OF NORTH CAROLINA	
1. Budget increased amount of overhead receipts; leave ratio at budgeted 20%	($964,000)
2. Reduce operating reserves to open Ambulatory Care Center at UNC-CH	(4,339,111)
3. Require UNC-General Administration to use portion of overhead receipts for General Fund operations	(1,000,000)
4. Reduce Faculty Study Program by 75%	(300,000)
5. Reduce utilities requirements at 6 campuses	(1,760,000)
6. Reduce appropriation to UNC Hospitals due to excess receipts	(2,000,000)
TOTAL REDUCTIONS	**($10,363,111)**
Enrollment Increase	
Increase of 3,130 FTE	$17,690,440
Tuition at current rates	(2,462,825)
Net Enrollment Request	$15,227,615
(a) Reduce summer school request to reflect current funding rates	(75,000)
(b) Eliminate proposed enrollment increase in Health Affairs; (all from prior year went to continuing education area: Cost is $20,400 per FTE	(858,373)
Net Enrollment Recommendation	$14,294,242

H.B. 1340 (Proposed Senate Committee Substitute—5712)
DEPARTMENT OF PUBLIC EDUCATION (Continued)
UNIVERSITY OF NORTH CAROLINA (Continued) 1992-93

Tuition Increase

1.	Resident Increase 6% (Except for the North Carolina School of the Arts)	($4,880,000)
2.	Non-resident increase 11.5% (Except for the North Carolina School of the Arts)	(11,180,000)
3.	Apply tuition increase to summer school	(500,000)
4.	Add need-based financial aid for residents	1,500,000
	Net Tuition	**($15,060,000)**

Special Bills

1.	Funding for SB 1027 (Warren)/HB 1357 (Barnes) for Teacher Training Task Force	$35,000
2.	SB 1057 (Perdue/Conder/Shaw)/ House Bill 1370 (Redwine) Shellfish Enhancement Funds	231,889
3.	Senate Bill 1207 (Staton/Royall) World Trade Center	184,000

Transfers

1.	Funds to Department of Community Colleges for Chinqua-Penn Plantation	($60,000)
	NET CHANGE: GENERAL FUND APPROPRIATIONS	**($10,737,980)**

(Page 6-7)
DEPARTMENT OF AGRICULTURE

1.	Pesticide Control and Analysis. Funds to implement expanded federal requirements for the training, certification, and inspection of pesticide applicators.	$542,674 (8)
2.	Meat and Poultry Division. Fund two positions and support to replace federal monitor positions; fund travel for federally mandated training and for inspection of meat and poultry plants.	186,834 Req 93,417 Rec 93,417 GF (2)
3.	Standards Division. Funding from the gas and oil tax for positions and equipment to implement federal Clean Air requirements for monitoring and registering companies selling oxygenated gasoline.	169,806 Req 169,806 Rec 0 GF (2)
4.	Standards Division. Establish fee for equipment calibration services to purchase advanced calibration equipment.	30,300 Req 30,300 Rec 0 GF

H.B. 1340 (Proposed Senate Committee Substitute—5712)

DEPARTMENT OF AGRICULTURE (Continued)	1992-93
5. Veterinary Services. Funds to implement new regulations requiring all horses sold in North Carolina to be tested for Equine Infectious Anemia (EIA). Funds for four positions and support and for laboratory supplies.	242,451 Req 42,451 Rec 200,000 GF (4)
6. Food and Drug. Adjust receipts for Feed Tax.	$(40,000)
7. Food and Drug. Adjust receipts for Lime Tax.	(25,000)
8. Food and Drug. Adjust receipts for Pesticide Ground Applicators License Fee.	(25,000)
9. Veterinary Services. Adjust receipts for Veterinary Service fees.	(40,000)
10. State Farms. Recapture Timber receipts.	(111,000)
11. State Farms. Reduce equipment funding.	(150,000)
12. Commodity Distribution. Eliminate salary and benefits for vacant Stock Clerk position.	(18,190) (-1)
13. Marketing Division. Fund horticultural/ apple marketing specialist and support for Asheville Farmers Market.	72,333 (1)
TOTAL EXPANSION	$1,244,398Req 335,974Rec 908,424 GF (17)
TOTAL REDUCTIONS	(409,190) (-1)
TOTAL AGRICULTURE	$499,234 (16)

(Page 8)

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT	
1. Industrial Commission. Fund optical disk storage system and related support.	$582,322 (3)
2. Industrial Commission. Fund positions to adjudicate increased number of contested cases.	146,769 (2)
3. N.C. Film Office. Increase operating support.	273,500
4. HOME. Match federal housing funds (Phase I).	1,556,723
5. PHHHP (Homeless Program). Provide 1 position and administrative support.	42,897 (1)
6. International Development. Fund 1 position currently supported by private funds.	23,777 (1)
7. International Development. Increase travel.	150,000
8. Travel and Tourism. Increase advertising.	100,000
9. Main Street Financial Incentive Fund. Recapture interest.	(40,000)
10. Rural Electrification Authority. Eliminate GF support (100% fee support since 1991).	(97,931)

H.B. 1340 (Proposed Senate Committee Substitute—5712)

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT (Continued)	1992-93
11. Business Assistance. Eliminate Information and Communication Specialist III and Computer Programmer II positions which were funded but never established.	(70,474) (-2)
12. Business Assistance. Funding for secretary for the Greenville Economic Development Regional Office.	25,000
13. Business Assistance. Funding for one environmental specialist	$50,000
14. Hazardous Waste Management Commission. Eliminate vacant engineer position.	(59,950) (-1)
15. Hazardous Waste Management Commission. Transfer 100% funding to a reserve account ($236,719).	0
TOTAL EXPANSION	$2,950,988 (7)
TOTAL REDUCTIONS	($268,355) (-3)
NET APPROPRIATIONS	$2,682,633 (4)

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DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES	
1. Low Level Radioactive Waste Site Permitting. Fund permitting and licensing personnel for required activities for the proposed site.	$1,101,620 (12)
2. Communicable Disease Control. Funds for local health departments, pharmaceuticals, partner notification program and HIV testing.	1,118,754 (6)
3. Zoo. Provide operating support for new Desert Pavilion facility.	647,943 (14)
4. Zoo. Provide operating support for new North America habitat facilities.	800,000 (27)
5. Solid Waste. Fund additional technical assistance to local governments to meet waste reduction goals.	319,902 (6)
6. Solid Waste. Fund position in Septage Program.	35,000 (1)
7. Waste Reduction. Fund additional technical assistance in pollution prevention and solid waste recycling.	214,612 (4)
8. Maternal and Child Health. Fund special therapies and appliances under P.L. 99-457.	704,810 (12)
9. Epidemiology. Funding to provide required vaccines to additional children.	1,075,000
10. Maternal and Child Health. Continue grant-in-aid for N.C. Adolescent Pregnancy Prevention Coalition.	75,000

H.B. 1340 (Proposed Senate Committee Substitute—5712)

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (Continued)	1992-93
11. Maternal and Child Health. Fund additional support for sickle cell program and centers.	$280,000 (2)
12. Environmental Health. Fund positions in On-Site Sewage Program.	114,901 (2)
13. Forest Resources. Adjust timber products receipts.	(50,000)
14. Environmental Management. Eliminate Hydrogeological Technician II position which was funded but never established.	(28,752) (-1)
15. Health Lab. Eliminate Chemistry Technician I position vacant since 9/01/90.	(23,153) (-1)
16. Parks and Recreation. Fund pilot program using county jail inmates for park maintenance and repair.	100,000
TOTAL EXPANSION	**$6,587,542** **(86)**
TOTAL REDUCTIONS	**($101,905)** **(-2)**
NET APPROPRIATION	**$6,485,637** **(84)**

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DEPARTMENT OF LABOR	
1. OSHA. Annualize 27 safety officer positions funded in 1991.	$1,469,825 (27)
2. OSHA. Increase staffing to meet federal benchmarks (staggered start dates).	1,711,869 (50)
3. Wage and Hour. Add positions to reduce backlog.	170,000 (5)
4. Elevator Inspection. Add positions due to increased demand.	308,661 Req 91,055 Rec 217,606 GF (10)
5. Boiler Inspection. Add positions due to increased demand.	91,019 Req 91,019 Rec 0 GF (2)
6. Mine & Quarry. Fund position that was federally funded.	51,484 (1)
7. BLS Survey. Add 4 positions to meet increased federal data requirements.	119,273 Req 59,636 Rec 59,637 GF (4)
8. Department-wide. Partial restoration of 1991 Session travel reduction.	50,000
TOTAL LABOR	**$3,972,131Req** **241,710Rec** **$3,730,421 GF** **(99)**

H.B. 1340 (Proposed Senate Committee Substitute—5712)

	1992-93
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NON-STATE ENTITIES	
1. Economic Development Funds. Funds to support economic development activities in minority neighborhoods and communities, programs that assist small business, and job training programs.	
Office of State Budget 750,000	
Rural Economic Dev. Ctr. 2,275,000	$3,025,000
2. Office of State Budget - Grant-in-Aid to RURAL WATER ASSOCIATION	100,000
TOTAL NON-STATE ENTITIES	3,125,000
(Page 14)	
ADMINISTRATION:	
1. Minority, Women & Disabled Vendors Business Enterprise Program. Adds staff and support to meet responsibility for certifying minority, women, and disabled vendors desiring to participate in state procurement and construction processes. (Effective January 1, 1993)	$ 153,561 (3)
2. Inauguration and Transition Expenses. Pays 185,000 statutorily authorized transition expenses of new Governor and four incoming Council of State members. Defrays $65,000 of inauguration cost.	185,000
3. Scholarships - Children of Veterans. Meets program cost increases due to greater number of participants and rising educational expense.	540,000
4. Agency for Public Telecommunications. Increases appropriation to offset shortfall in receipts.	225,000
5. Reduce Governor's Widow Pension Fund	(12,000)
Subtotal - Administration	$1,091,561
STATE PERSONNEL:	
1. Decentralization Delay. Restores positions needed because decentralization is being delayed.	$ 249,786 (5.75)
2. Continue Unemployment Insurance Contract. Continues contractual arrangements with vendor who monitors unemployment insurance claims filed by former state employees.	62,400
3. Data Processing Costs. Meets costs resulting from increased use of Personnel Management Information System (PMIS).	150,000
4. Equal Employment Opportunity Institute. Adds staff to furnish statutorily required training for managers and supervisors.	$ 77,243 (2)
Subtotal - State Personnel	$539,429
Total Administration	$1,630,990 (10.75)

H.B. 1340 (Proposed Senate Committee Substitute—5712)

	1992-93
(Page 15)	
INSURANCE:	
1. Consumer Protection Fund. Provides funds to restore the Fund to the $1,000,000 level allowed by General Statutes. The funds are used to pay (1) the cost to recover assets from insolvent insurance entities, (2) actuarial and economic consulting and outside legal fees, in rate cases, and (3) legal expenses due to lawsuits against the agency.	$ 717,944
2. Establish Alternative Health Delivery Compliance Unit. Provides funds to establish a regulating unit to monitor more closely the alternative health insurance providers.	97,000 (2)
3. Reserve - Medical Database Commission. Provides funds to begin collecting data on out-patient surgical facilities as required by General Statutes.	375,000 (1)
Total - Insurance	**$1,189,944** (3)
STATE TREASURER:	
1. Investment Advisors. Provides funds for additional fees to pay third-party non-discretionary advisors for the increases in funds allocated to them for investment in equities. This cost is off-set by transfer from investment earnings to non-tax revenues.	$ 250,000
2. Firemen's and Rescue Squad Fund. Provides funds to pay the incidental expenses in moving the administration of this Fund from the State Auditor's Office to the Treasurer's Office.	15,000
Total - State Treasurer	**$265,000**
(Page 16)	
REVENUE:	
1. Electronic Funds Transfer. Provides funds to implement the Electronic Fund Transfer Program.	$ 643,116 (6)
2. Controlled Substance Tax Program. Provides funds to administer the program formerly supported by federal funds. Authorizes the transfer of funds on deposit in a Special Fund to the General Fund to support operating expenses of the Controlled Substance Program.	550,891 (11)
3. Motor Fuels Tax Division. Provides funds for a Tax Auditor and one Field Investigator and support costs for better enforcement of the fuel tax laws.	86,968 (86,968) HF (2)
Total - Revenue	**$1,194,007** (17)
STATE CONTROLLER:	
1. Continue Account System Implementation. Covers costs of installing new accounting system in Department of Correction and meets computer expense.	$2,200,000

H.B. 1340 (Proposed Senate Committee Substitute—5712)

STATE BOARD OF ELECTIONS:	1992-93
1. Additional staff. Provides funds for an additional Clerk Receptionist for the Campaign Reporting Office.	$ 23,411 (1)
2. TDD. Provides funds to purchase a Telecommunications Device in order to communicate with the hearing-impaired persons.	$ 1,064
Total - State Board of Elections	**$24,475 (1)**

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ADMINISTRATIVE RULES REVIEW COMMISSION:	
1. Meeting/Workroom. Provides funds to rent a conference room.	$ 4,500

STATE AUDITOR:	
1. Reduce contributions to Firemen's and Rescue Squad Pension Fund based on actuarial need for 1992-93.	$(118,694)
2. Provides funds for phone system.	40,000
3. Provides funds for office lighting and replace two copiers	37,500
4. Provides funds for travel	33,097
5. Provides funds for Employee Education	9,181
Total - State Auditor	**$1,084**

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ADDITIONAL AVAILABILITY:		
Transfer Motor Fleet Reserve Increase non-tax revenue to reflect payment by Motor Fleet Management to the General Fund on April 1, 1993 as a complete return of investment for a General Fund investment in upgrading the motor fleet in 1985.	$1,600,000	NR
Equipment Reserve to General Fund Increase non-tax revenue to reflect all receipts from the transfer or sale of surplus property except where the receipts have been anticipated for or budgeted against the cost of replacement.	350,000	R
TOTAL INCREASE	**$1,950,000**	

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DEPARTMENT OF HUMAN RESOURCES
Continuation Budget Changes:

DIVISION OF MEDICAL ASSISTANCE	
1. Disproportionate Share Revenue: Funds donated to the state by hospitals to offset the cost of unbudgeted utilization increases in the Medicaid program for FY 92-93	($65,621,280)
2. Savings due to Carolina Access Program and Other Services. Anticipated savings associated with the Carolina Access Program and cost containment activities planned for other services for FY 92-93.	(2,800,000)
3. Increase Recipient Co-payment for Medicaid Services. Increase recipient co-payments across all allowable services to the maximum allowed by federal regulation.	(337,000)

H.B. 1340 (Proposed Senate Committee Substitute—5712)
HUMAN RESOURCES (Continued)
DIVISION OF MEDICAL ASSISTANCE—
CONTINUATION BUDGET (Continued) 1992-93

4. Adjustments to the Utilization and Inflationary Increases for Medical Care Providers to be implemented by the Division of Medical Assistance. (5,300,000)
5. Durable Medical Equipment: Adjustment to reduction in reimbursement schedule from 100% to 85% of Medicare Allowable fees effective 10/1/92. (389,000)

DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES

1. Increase Institutional Patient Receipts. Adjustments to patient receipts in state psychiatric hospitals and mental retardation centers to more accurately reflect anticipated revenues. (7,661,000)
2. Elimination of Operating Reserves. Elimination of reserve to operate the second Alzheimers Unit at Black Mountain Center which is now scheduled to open in spring in 1993-94 and the elimination of reserves no longer needed for the state institutions' Central Food Production Unit. ($2,313,945)

DIVISION OF SOCIAL SERVICES

1. Domiciliary Care Budget: Adjustment to reflect reduction in the average monthly payment made on behalf of domiciliary care residents due to larger than anticipated Cost of living increases in resident social security payments. (753,833)

Total Continuation Budget Changes **($85,176,058)**

Expansion:
DIVISION OF MEDICAL ASSISTANCE

1. Change in the Federal Participation Rate: Funds to support reduction in the FFP rate from 66.52% to 65.92% effective 10/1/92 $8,944,227
2. Medicaid Utilization Increase: Funds to support unbudgted costs in the Medicaid Program due to unanticipated increases in utilization, rising eligibles, and increases in nursing home beds. 70,298,828
3. Update Poverty Level in April: Funds to provide for increasing eligibility thresholds to reflect annual federal poverty levels in April rather than in July. 166,118
4. Drug Utilization Review: Funds to support a federally mandated Drug Utilization Review Program. 125,000
5. Infant Mortality/Early Periodic Screening, Diagnosis and Treatment (EPSDT) Funds: Funds to develop a computerized management information system and to support administration of EPSDT Program effective January 1, 1993. $250,000
6. Preventive Mamogram Screenings. Funds to cover the cost of providing preventive mamogram screenings for medicaid eligible women. 304,853

H.B. 1340 (Proposed Senate Committee Substitute—5712)

HUMAN RESOURCES—EXPANSION (Continued)	1992-93
DIVISION OF FACILITY SERVICES	
1. Child Day Care. Funds to provide match requirements for federal Family Support Act funds that will be used to serve the increased number of eligible children. This amount of state funds will earn approximately $24M in federal funds.	12,431,072
2. Federal Financial Participation Rate Change. Funds needed due to change in the federal financial participation rate from 66.52% to 65.92%.	160,600
3. Home Care Licensure Funds. Funds to implement the requirements of the Home Care Licensure Act enacted in 1991.	80,121 (2)
DIVISION OF YOUTH SERVICES	
1. Prison Bond Package Operating Fund. Funds to support the operating expenses of projects scheduled to be completed during the 1992-93 fiscal year.	1,091,170 (56)
2. Eckerd Camp. Funds to restore slots, upgrade counselor's salaries, and adjust program contract.	300,000
3. New Hanover Detention Center. Funds for the operation of the New Hanover Youth Detention Center as a state operated regional detention facility.	500,000
DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES	
1. Willie M Program. Funds to continue the state-operated secure-bed treatment center at Butner and for specific services needed for individual Willie M class members.	$3,584,000
2. First Step Farm for Women. Funds to operate a 15 bed substance abuse residential program for women.	243,000
3. Mental Health, Developmental Disabilities and Substance Abuse Services Funds. Funds to expand services in accordance with the Mental Health Study Commission Service Plans and Coalition 2001.	10,000,000
4. Early Childhood Intervention Services. Funds to provide transportation services to infants and toddlers receiving early childhood intervention services in accordance with PL 99-457.	516,135
DIVISION OF SOCIAL SERVICES	
1. AFDC Supplemental Funds: Funds to support unbudgeted growth in AFDC caseloads.	2,767,749
2. AFDC-UP Supplemental Funds: Funds to support unbudgeted growth in AFDC-UP caseloads.	1,407,894
3. Infant Mortality/Maternity Care Home Funds: Funds to support annual cost of services for eligible women who receive care from maternity homes.	300,000

H.B. 1340 (Proposed Senate Committee Substitute—5712)
HUMAN RESOURCES—EXPANSION (Continued)

DIVISION OF SOCIAL SERVICES (Continued)	**1992-93**
4. Child Fatality Task Force/Child Medical Evaluation Program: Funds to support the annual cost of continuing comprehensive medical and mental health evaluations for children who are suspected of being abused and/or neglected. Of this sum, 180,000 is a one time appropriation for past obligations.	935,750
5. Child Fatality Task Force/County Child Protective Services: Funds support the cost of child protective services staff and services. Funds to be allocated to counties on the basis of their relative share of statewide reports to the Child Abuse and Neglect Registry. Effective July, 1992.	$1,000,000
6. Child Fatality Task Force/Biennial Reviews of Child Protective Services Programs. Funding to Support 2 positions to conduct biennial reviews of local CPS programs, effective July 1, 1992.	80,680 (2)
7. Child Fatality Task Force/Child Protective Services Hotlines: Funds to support the establishment of 24 hour CPS dedicated telephone lines in counties statewide effective July 1, 1992.	62,000
8. Rest Home Rate Increases: Funds to increase the maximum monthly rate from $832 to $902 for ambulatory and from $871 to $941 for semi-ambulatory residents. Effective July 1, 1992.	
Social Services Requirements	12,640,000
Receipts (County)	6,320,000
Appropriation	6,320,000
9. Adoption Subsidy. Funds to increase the subsidy to families who adopt children with special needs from $150 to $200 per month effective 7/92.	440,000
10. Social Services. Funding to support grants for family centered services; and funds for implementation of Social Services Plan pilots in 3 counties.	460,000
OFFICE OF THE SECRETARY	
1. Rural Health Recruitment Funds. Funds to provide stipends for general medicine residents who elect to practice in underserved areas of the State.	$200,000
2. Grant-in-Aid for the North Carolina Council on the Holocaust.	25,000
DIVISION OF VOCATIONAL REHABILITATION	
1. Funds to expand the Independent Living Rehabilitation Program. $130,000 to fund the Wilmington and Hickory programs and $250,000 to establish a new program in Greensboro.	380,000 (6)

H.B. 1340 (Proposed Senate Committee Substitute—5712)
HUMAN RESOURCES (Continued) 1992-93
STATE AID TO NON STATE AGENCIES

1.	Infant Mortality/Children's Home Society: Funds to support prenatal counseling and services to pregnant women and adoption placement services for infants with special medical needs.	50,000
2.	Autism Summer Camp Funds. Grant-in-Aid to the Autism Society of North Carolina to support operations of their programs and to support a children's/adult's summer camp.	345,960
3.	Autism Camp and Conference Center. Grant-in-Aid to the Autism Foundation of North Carolina for the develoment of a summer camp and conference center.	300,000
4.	Eastern Maternity Home. Funds to support startup costs of a maternity home for Eastern North Carolina.	300,000
5.	Matching Funds to Uplift, Inc. Funds used to provide technical assistance to counties to better use existing resources to support children and families.	$100,000
	Total Expansion	**$124,470,157**
	Net Change	**$39,294,099**

(Page 26-27)
DEPARTMENT OF CORRECTION

Continuation Budget Changes:

1.	Adjustment to Operating Reserves for Facilities under Construction or Funded: These adjustments are due to changes in staffing patterns, size of facilities, and projected operational dates.	($4,857,515) (-314 net)
1a.	Adjust Reserve due to revised completion date for facility at Lumberton.	($1,900,000)
2.	Elimination of Duplicate Funding. This reduction in reserves is due to duplicate funding for positions needed to operate new facilities.	(3,071,082)
	TOTAL CONTINUATION BUDGET REDUCTIONS:	**($9,828,597)** **(-314 net)**

Expansion Budget:

1.	Funding for Underbudgeted Line Items: These funds are needs to cover FY 1991-92 requirements that have not been paid ($3,765,591 non-recurring for food, clothing, State Information Processing Services charges, and operating expenses for the Parole Commission) and FY 1992-93 recurring expenses ($8,519,615) for medical costs, extradition, outside prisoner housing, and housekeeping and kitchen/dining supplies.	$12,285,206
2.	Critical Prison Staffing Needs: Funds for staff to meet needs due to 1) increased admissions at diagnostic centers at Hoke, Odom, Piedmont, and Rowan, 2) security and medical services at Hoke and Blanche; 3) programming at Craggy, and 4) security at Sandhills Youth Center.	2,590,692 (131)

H.B. 1340 (Proposed Senate Committee Substitute—5712)
DEPARTMENT OF CORRECTION (Continued)

Expansion Budget (Continued)	1992-93
3. State Information Processing Services: Funds for increased processing charges from SIPS due to increased admissions and number of inmates, additional data on inmates, parolees, and probationers, and development of a perpetual inventory system. The deficiency for FY 1991-92 is projected to be $2,515,702.	$2,030,000
4. Funding for Offender Drug Screening Program Funds to continue the drug screening program for probationers and parolees that is supported by federal funds through June 30, 1992.	723,099 (12)
TOTAL EXPANSION BUDGET	$17,628,997 (143)
NET CHANGE	$7,800,400 (-171)

Note:
If the $87.5 million requested bonds are approved, for additional prisons, the original request was for $1,923,791 for FY 1992-93 to begin staffing these facilities. That amount has been revised to $1,589,479 with the latest proposal recommended by Secretary Bounds.

(Page 28-29)
JUDICIAL DEPARTMENT

Continuation Budget Changes:		
1. Reduce employer retirement contribution for the Consolidated Judicial Retirement System by 3.43% for FY 1992-93. The rate for FY 1992-93 would then be:		
Normal	14.82%	
Accrued Liability	8.66%	
Death Benefit	.55%	
Health Insurance	2.00%	
Total	26.03%	($1,000,000)

Expansion Budget:	
1. Indigent Persons' Attorney Fee Fund Projected Shortfalls: Funds to cover the projected shortfall of $1,000,000 to $1,200,000 for FY 1991-92 due to increased number of indigent persons being represented, increases in cost of representation, and the "Little Rascals" case. The projected deficit for FY 1992-93 is based upon anticipated growth in number of cases and cost of representation.	$2,850,000
2. New Judicial Department Personnel Requests: Funds for new personnel to meet increased caseloads and filings. (See attached list.)	2,152,918 (102)

H.B. 1340 (Proposed Senate Committee Substitute—5712)

JUDICIAL DEPARTMENT (Continued)

Expansion Budget (Continued)	1992-93
3. Guardian Ad Litem Program: Funds to support additional Guardian Ad Litem Coordinators to recruit, train, and assign volunteers for the approximate 11,000 children in need of advocacy and appropriate representation in cases of abuse and neglect, dependency, and contested termination of Parental Rights cases. Currently 30 of 37 districts now have staffed programs.	481,582
(Positions effective 1-1-93)	(15)
4. Increased Operating and Equipment Requirements: Funds to replace equipment (copiers, courtroom recording equipment, printing and filing shelves).	250,000
5. Expansion of Court Information System: Expand court information processing for the financial systems of bookkeeping, accounting, cash receipting, and child support/enforcement, rewriting of the case processing system, and the civil indexing system.	250,000
6. Access to Civil Justice for Indigents: Continue funds previously appropriated for indigent persons to have legal aid in civil matters.	1,000,000
7. Fund Transylvania and Alamance Dispute Settlement Centers: Sixteen counties now have dispute settlement centers which are partially funded by the State. Two counties (Pitt and Transylvania) now operate centers with no State support. This would provide State funds for part of the operating budget for the center in Transylvania. Alamance has a center, which now receives $7,500 per year, in need of additional State funding to meet its workload.	15,500
8. Funding for position of setoff Debt Collection Officer ($46,874) from indigent judgment receipts.	
9. Provide legal representation, to individuals in executive clemency hearings, through lawyers reimbursed by the Indigent Persons Attorney Fee Fund or the Office of the Appellate Defender. The amount of funds may vary dependent upon number of cases heard each year.	-
TOTAL EXPANSION BUDGET	$7,000,000
	(117)
NET CHANGE	$6,000,000

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CRIME CONTROL AND PUBLIC SAFETY

Continuation Budget Change:	
1. Delete Vacant Positions. Delete non-critical vacant position(s) equal to the value of the reduction.	$(88,238)
Expansion:	
1. Restore Budget for Gasoline. In the 1991 Session adjustments for fuel tax affecting the General Fund budget reduced more funding than was required for ALE and Butner Public Safety. Appropriation restores excess reduction in the divisions' budgets.	$ 67,137

H.B. 1340 (Proposed Senate Committee Substitute—5712)
CRIME CONTROL AND PUBLIC SAFETY (Continued)

Expansion (Continued)	1992-93
2. Operational Expense for Additional Facility. Provide operational expense for new Air National Guard maintenance hangar at Douglas International Airport in Charlotte. Facility becomes operational in March, 1993.	
Requirements	22,469
Receipts	16,852
Appropriation	5,617
Position(s)	(1)
3. Operational Cost for Existing Logistical Facilities. Funding provides additional match to support a new Housekeeping position, supplies, repairs and maintenance for 25 existing facilities.	
Requirements	274,620
Receipts	205,964
Appropriation	68,656
Position(s)	(1)
4. Matching Funds for Hurricane Hugo. Funds are required to complete payments to local agencies for damages incurred as a result of the disaster.	$556,626
5. National Guard Pension Fund. Increase Pension Fund requirements.	17,984
6. Summit House Continued funding for Summit House a community-based residential alternative for pregnant women convicted of non-violent crimes.	250,000
Total GF Expansion	**$966,020**
Total Positions	**(2)**
Total Net GF Continuation Budget Change	**$877,782**

HIGHWAY PATROL

1. Motor Vehicle Operation. Adjust appropriation due to fuel tax exemption approved in the 1991 Session.	($603,913)
Total HF Continuation Budget Change	**($603,913)**

(Page 32-33)
DEPARTMENT OF JUSTICE

Continuation Budget Changes:	
1. Delete Vacant Positions. Delete non-critical vacant position(s) equal to the value of the reduction.	$(90,870)
2. Eliminate Duplicate Funding. Reduce budget by eliminating duplicate funding placed in reserve for the Lake Gaston and Mobil Oil projects.	(229,627)
Total Continuation Budget Reductions	**$(320,497)**

H.B. 1340 (Proposed Senate Committee Substitute—5712)

DEPARTMENT OF JUSTICE (Continued)	1992-93
Expansion:	
1. Provide Additional Legal Services. Authorizes replacement funding for an attorney position in the Property Section, as a result of an adjusted receipt from the State Ports Authority; a new attorney in the Revenue Section, a new attorney in the Tort Claims Section, two paralegal positions in the Special Litigation Section, and a secretarial position for the Capital Litigations Project.	
Requirements	$255,672
Receipts	24,300
Appropriation	231,372
Positions	(5)
2. Provide Optical Retrieval System/Disk Storage System for DCI. Appropriate funding to store files more efficiently and safely. Provides expansion capability without using additional space.	180,000
3. Personnel and Expenses to Support Criminal Justice Standards Commission. Funding to support a Field Training Specialist position to coordinate job task analyses projects. Also restores funds for Commission and staff travel reduced in previous session.	$75,639
	(1)
4. Six (6) SBI Agents. Funds to restore a portion of the 23 positions lost in the last two years, and assist with increasing drug and violent crime cases.	448,518
	(6)
5. Staff for Labor Section (Workplace Safety). Add an Attorney and secretary in Labor Section to meet increased OSHA caseloads in the Department of Labor.	75,000
	(2)
6. Restore Legal Positions Transfer Funds. Partially restore funding earmarked for the 15% reduction of legal positions transferred per Section 91 of Chapter 689 of the 1991 Session Laws.	17,142
Total Expansion	**$1,027,671**
	(14)
Net Change	**$707,174**
Total Positions	**(14)**

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RESERVES

OFFICE OF STATE BUDGET AND MANAGEMENT	
Reserve for Salary Reduction –	
Positions Vacated by Retirees	
Reduce the budgeted position salary of positions vacated due to retirement by 30%	$(19,000,000)
Salary Reserves	
Delete salary reserve from departments' budgets as shown on next page	(1,926,180)

H.B. 1340 (Proposed Senate Committee Substitute—5712)
OFFICE OF STATE BUDGET AND MANAGEMENT (Continued)
RESERVES (Continued)

	1992-93
Reserve for Salary Increases	
Average 2% Cost-of-Living - Gives all state employees $43.50 per month salary increase, funds the Teacher Salary Schedule, and provides teachers' longevity payments beginning with 10th year	114,550,000
Reserve for Integrated Tax Administration System Funds for system design, development, testing and implementation.	1,400,000

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SALARY RESERVE AS OF JUNE 5, 1992
(Includes Ret./Soc. Sec.)

Agency	Salary Reserve
Judicial Department	$ 217,824
Governor's Office	40,306
Lieutenant Governor's Office	14,235
State Auditor	4,754
State Treasurer	1,507
Department of Public Instruction	45,420
Justice	82,650
Department of Agriculture	43,337
Department of Labor	64,083
Department of Insurance	77,439
Department of Administration	60,496
State Controller's Office	31,866
NRCD	269,165
ARC Black Mountain	6,239
ARC Butner	458
ARC Greenville	931
N.C. Special Care Center	8,046
Black Mountain Center	10,545
Human Resources - Secretary's Office	27,079
Division of Aging	59
N.C. Schools for the Deaf and Blind	34,050
Social Services	43,139
Medical Assistance	10,797
Services for the Blind	39,014
Mental Health	70,385
Dorothea Dix	7,810
Broughton Hospital	32,966
Cherry Hospital	16,453
John Umstead Hospital	1,539
Western Carolina Center	16,673
O'Berry Center	15,354
Murdock Center	11,827
Caswell Center	32,805
Facility Services	57,521
Division of Vocational Rehabilitation	12,826
Youth Services	73,791
E & CD	27,447
Revenue	301,808
Cultural Resources	4,260

H.B. 1340 (Proposed Senate Committee Substitute—5712)
SALARY RESERVE (Continued)

	1992-93
Crime Control	50,678
UNC General Administration	15,800
A&T University	10,360
Winston-Salem State	22,896
N.C. Central University	1,185
N.C. School of Science and Math	5,695
Community Colleges	135
Office of Administrative Hearings	484
Administrative Rules Review Commission	2,043
TOTAL	**$1,926,180**

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TRANSPORTATION - AID TO AIRPORTS	1992-93 General Fund
State Aid:	
1. Increase aid to airports based on sales tax increase on aviation fuel, equipment and parts (5955-3000)	$2,666,666

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NORTH CAROLINA HIGHWAY FUND
June 19, 1992

	1992-93
IDENTIFIED PROBLEMS:	
Revenue Shortfall	$36,198,000
Compensation Increase	7,045,254
Modified Expansion (attached)	10,447,522
Mandatory (statutory) Requirements	
— Powell Bill	446,402
— Secondary Roads	446,402
— Transfer to General Fund (sales tax exemption)	700,000
TOTAL	**$55,283,580**
PROPOSED SOLUTIONS	
Credit Balance	$5,400,000
Program Reductions	
— Secretary's Office	—
— Contract Resurfacing	15,000,000
— Small Urban	1,000,000
— Spot Safety	2,000,000
— Ferry Operations	1,000,000
— Salary Reserve	200,000
— Reserves (Salaries & Benefits)	2,821,209
— Highway Patrol (fuel)	603,913
— Federal-aid match	—
— Maintenance Reduction - Secondary	—
Total Reductions	**$22,625,122**
Transfer (Equipment fund)	10,000,000
Cash Flow Contract Resurfacing	17,258,458
TOTAL	**$55,283,580**

H.B. 1340 (Proposed Senate Committee Substitute—5712)

HIGHWAY FUND (Continued)	1992-93
MODIFIED EXPANSION BUDGET	
1. General Administration SIPS charges	$750,000
Continue design and development of financial accounting and reporting system	2,944,922
2. Division of Motor Vehicles Driver Licensing Computer	2,948,600
Veh. Registration system design	550,000
Vehicle registration Plates and Stickers	100,000
Driver License Telecommunications	240,000
Driver License Photographic Cost	77,000
Driver License Rent	57,000
Enforcement Section Mileage Cost	280,000
3. Air Cargo Airport Authority	2,500,000
MODIFIED EXPANSION	**$10,447,522**

	1992-93 Highway Fund
Reductions:	
1. Reduce contract resurfacing. (5241)	$(15,000,000)
2. Reduce small urban construction funds allocated by members of the Board of Transportation. (5131)	(1,000,000)
3. Reduce Spot Safety funds due to increase in federal-aid for safety projects. (5171)	(2,000,000)
4. Reduce Ferry Division operations based on findings of the State Auditor's performance and financial audit. (3160 - various)	(1,000,000)
5. Reduce salary and benefit reserves	
- merit salary increments (6710)	(86,143)
- hospital/medical increase (6723)	(2,675,722)
- salary adjustment fund (6802)	(59,344)
6. Reduce Highway Patrol budget for elimination of motor fuel tax on state agency purchases. (6270) (included in JPS report.	(603,913)
7. Reduce salary reserve in Transportation Administration and Operations. (84210 & 84220)	(200,000)
Total Reductions	**$(22,625,122)**
Increases:	
8. Increase secondary road construction based on 1 3/4 cents of the estimated Motor Fuels Tax. (5121)	$ 446,402
9. Increase state-aid to municipalities (Powell Bill) based on 1 3/4 cents of the estimated Motor Fuels Tax. (5910)	446,402
10. Increase budget for telephone line charges paid to SIPS due to increased use of computer systems in DOT field units. (0220-2322)	750,000
11. Continue development of a new financial accounting and reporting system. This phase of the project will include purchasing, accounts payable, budgetary control, and financial controller modules. (0220)	2,944,922
12. Fund the hardware and software for new Driver Licensing Computer System. (0510)	2,948,600
13. Supplement funding for the design of new vehicle registration system. $458,000 is already appropriated. (0510)	550,000

H.B. 1340 (Proposed Senate Committee Substitute—5712)

HIGHWAY FUND (Continued)	1992-93
Increases (Continued)	Highway Fund
14. Increase funds for vehicle registration plates and stickers. The increase restores half of a cut made by the 1991 General Assembly. (0520-2443)	100,000
15. Increase the Driver's License telecommunications budget for payment to SIPS due to increased computer time for the Commercial Drivers License program, and for shared charges previously paid for by the departments computer division. (0530-2322)	240,000
16. Increase line for rent of Drivers License photo equipment due to increase in contract with the Polaroid Corporation. (0530-2524)	77,000
17. Increase rental line for Driver License Offices to help fund 7 express offices and 4 regular offices. (0530-2330)	57,000
18. Increase in-state transportation due to a 5 2" per mile increase in Motor Fleet Management rates and for an increase in the number of vehicles used. (0570-2237)	$ 280,000
19. Create reserve for salary increase for Highway Fund employees.	7,045,254
20. Transfer to General Fund (sales tax exemption).	700,000
21. Air Cargo Airport Authority	2,500,000
Total Increases	**$19,085,580**
Other Adjustments:	
22. Transfer funds from the Equipment Fund for expansion items and for revenue shortfall.	$10,000,000
23. Use estimated credit balance at the end of FY 1991-92 for expansion items and revenue shortfall.	5,400,000
24. Use cash flow of contract resurfacing funds for expansion items and for revenue shortfall.	17,258,458

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HIGHWAY TRUST FUND

A net increase in Highway Trust Fund revenue is apportioned according to formula established in G.S. 136-176(b) as follows:

Intrastate System (61.95%)	$2,800,081
Secondary Road Construction (6.5% + fees)[1]	$1,113,365
Urban Loops (25.05%)	$1,207,661
State Aid - Municipalities (6.5%)	$313,365
Program Administration (4.5%)[2]	($434,472)
	$5,000,000

[1] Secondary roads receive half of the revenue deposited into the Trust Fund from increased title fees.

[2] Program administration receives its percentage "off the top" before a distribution is made to the other categories.

H.B. 1340 (Proposed Conference Committee Subsitute—4286)
July 8, 1992 — see page 352

JOINT APPOPRIATIONS COMMITTEE
SENATE/HOUSE 1992-93 BUDGET
CONFERENCE REPORT
JULY 8, 1992

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H.B. 1340 (Proposed Conference Committee Substitute—4286)

GENERAL FUND AVAILABILITY
JULY 8, 1992

Revised Revenue Growth Not Appropriated By the 1991 Session	$151.50
Increases:	
Court Fee Increases	6.40
Investment Earnings	.25
Controlled Substances Tax	
(a) Transfer from Special Fund	.59
(b) Administrative Cost Withholding	.86
Insurance Assessment Fee Adjustment	1.20
Transfer of funds from Motor Fleet Management Division to State Treasurer - Non-Tax Revenue	1.60
Equipment Reserve Funds to Non-Tax Revenues	.35
Credit Balance - Nonrecurring	1.20
Total Increases	**$12.45**
Adjusted Availability	**$163.95**
Net Appropriation Changes	**$163.94**
Ending Availability	**.01**

JULY 8, 1992

APPROPRIATION DECREASES/INCREASES
BY DEPARTMENTS
1992-93

GENERAL FUND	DECREASE	INCREASE	NET
Administrative Rules	$ -	$ 4,500	$ 4,500
Administration	(12,000)	1,558,204	1,546,204
Agriculture	(409,190)	708,424	299,234
Auditor	(118,694)	119,778	1,084
Community Colleges	(1,895,950)	12,632,427 *	10,736,477
Correction	(9,828,597)	17,628,997	7,800,400
Crime Control	(88,238)	966,020	877,782
Economic/Community Development	(268,355)	3,931,004	3,662,649
ECD-State Aid to Non-State Agencies	-	3,125,000	3,125,000
Elections	-	24,475	24,475
Environment, Health & Natural Resources	(153,056)	7,333,981	7,180,925
Human Resources	(85,176,058)	121,989,366	36,813,308
Insurance	-	1,139,944	1,139,944
Judicial	(1,000,000)	8,400,000	7,400,000
Justice	(320,497)	1,234,788	914,291
Labor	-	3,700,602	3,700,602
Public Education	(52,186,547)	43,114,046	(9,072,501)
Revenue	-	615,591	615,591
State Controller	-	2,200,000	2,200,000
Transportation	-	2,666,666	2,666,666
Treasurer	-	265,000	265,000
University	(11,363,111)	(314,869)*	(11,677,980)
Salary Reserves Deleted	(1,926,180)	-	(1,926,180)
Salary Increase Reserve	-	115,140,128	115,140,128
Savings - 30% Cut in Positions Vacated by Retirement	(19,500,000)	-	(19,500,000)
TOTAL	$(184,246,473)	$348,184,072	$163,937,599

*Net of tuition.

H.B. 1340 (Proposed Conference Committee Substitute—4286)

	1992-93		
		Disagreed	
	Agreed	Senate	House
(Page 1)			
ADDITIONAL AVAILABILITY:			
1. Tranfer Motor Fleet Reserve. Increase non-tax revenue to reflect payment by Motor Fleet Management to the General Fund on April 1, 1993 as a complete return of investment for a General Fund investment in upgrading the motor fleet in 1985.	1,600,000	1,600,000	-
2. Equipment Reserve to General Fund. Increase non-tax revenue to reflect all receipts from the transfer or sale of surplus property except where the receipts have been anticipated for or budgeted against the cost of replacement.	350,000	350,000	-
3. Court Fee - $5.00 increase			
Senate: $4.00 General Court of Justice $1.00 Facility Fee	800,000	800,000	-
House $3.50 General Court of Justice $1.50 Facility Fee	5,600,000	5,600,000	5,000,000
(Page 2-3)			
DEPARTMENT OF PUBLIC EDUCATION			
1. Average Daily Membership Adjustment: Adjust FY 1992-93 budget to reflect current projections of average daily membership.	$(13,943,800)		
2. Average Salary Adjustment: Adjust FY 1992-93 budget to reflect current projections of average salaries for teachers and other public school employees.	(32,042,675)		
3. Textbooks: Increase funding for textbooks from $22 to $25 per student in grades 1-12.	3,314,046		
4. Basic Education Program: Revision of funds previously appropriated for FY 1992-93			
A. Program Enhancement Teachers. FY 1992-93 completes funding of program enhancement teachers in the Basic Education Program.	20,707,032 (Non-Add)		
B. Instructional Support Personnel: Restoration (estimated 82 positions) of a portion of previous reductions. (Does not include assistant principal positions deleted in reductions made in FY 1991-92 and FY 1992-93)	3,000,000 (Non-Add)		

H.B. 1340 (Proposed Conference Committee Substitute—4286)
DEPARTMENT OF PUBLIC EDUCATION (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
C. Reductions reflect adjustments in appropriations to more accurately reflect changes in average daily membership and average salaries and the inclusion of B above.	(5,200,072)		
5. School Improvement and Accountability Act of 1989: Funding for differentiated pay for FY 1992-93.	29,500,000		
6. Complete implementation of end-of-course/end-of-grade tests in North Carolina Public Schools. ($1.7 million for equipment in capital bill)	4,000,000	2,000,000	7,592,040
7. Additional funding for low wealth public school systems. This increases the total funds to $9 million for FY 1992-93.	-		3,000,000
Additional funding for small public school systems.	-	5,000,000	
7a. Reserve for low wealth/small schools.	6,000,000		
8. Reduce General Fund needs in public education by appropriating funds from the Literary Fund.	(1,000,000)		
9. Implementation of site-based management program.	300,000	300,000	
10. Tuition charge to out-of-state students enrolled in North Carolina public schools.	-	(1,224,000)	
NET CHANGE	**(9,072,501)**	**6,076,000**	**10,592,040**

(Page 4-5)
COMMUNITY COLLEGES:

1. Enrollment Increases - Funds a net enrollment increase of 8,322 FTE after reducing 576 occupational extension FTE to adjust for excess earnings in sheltered workshops and in-plant training programs. No cuts shall be taken in direct instructional costs for these programs. This reduction shall be taken from those colleges with the largest "windfall profits" in these programs.	$20,659,442		
2. Tuition - Increase in-state tuition by 10% (from $161 to $178.50 per quarter) and occupational extension fees from $30 to $33.			(5,605,089)
Tuition - Increase in-state tuition by 20% (from $161 to $192.50 per quarter) and occupational extension fees from $30 to $36.		(10,269,780)	
Tuition - Increase in-state tuition by 15.2% (from $161 to $185.50 per quarter) and occupational extension fees from $30 to $35.	(8,027,015)		

H.B. 1340 (Proposed Conference Committee Substitute—4286)

COMMUNITY COLLEGES (Continued)	1992-93		
		Disagreed	
	Agreed	Senate	House
3. Workforce Preparedness - Funds to enhance the Community College funding formula for worker training.	-	2,000,000	2,000,000
4. Base Budget Reductions:			
a) Curriculum Ratio - Continue the same faculty student ratio as was enacted for the the 1991-92 fiscal year.	(761,135)		
b) New and Expanding Industry - Continue the same reduction in this program as was made in the first year of the biennium.	(1,134,815)		
c) Eliminate Vacant Positions - Eliminate three vacant positions in the Department of Community Colleges.	-	-	(92,076)
5. Focused Industrial Training Centers - Enhance 31 FIT centers from $74,000 to $90,000 each.	496,000		
Funds are from Worker Training Trust Fund receipts.	(496,000)		
	-0-		
6. Transfer UNC funds for Chinqua-Penn Plantation - Transfer funds from UNC to Community Colleges for the operation of Chinqua-Penn Plantation.	-	60,000	-
NET CHANGE	**10,736,477**	**(10,209,780)**	**(5,697,165)**

(Page 6-8)

UNIVERSITY OF NORTH CAROLINA			
1. Budget increased amount of overhead receipts; leave ratio at budgeted 20%	(964,000)		
2. Reduce operating reserves to open Ambulatory Care Center at UNC-CH	(4,339,111)		
3. Budget portion of prospective reimbursement for Medical Education Costs at ECU Medical School	(1,000,000)	-	(1,000,000)
4. Require UNC-General Administration to use portion of overhead receipts for General Fund operations	(1,000,000)		
5. Reduce Faculty Study Program by 75%	(300,000)		
6. Reduce utilities requirements at 6 campuses	(1,760,000)		
7. Reduce appropriation to UNC Hospitals due to excess receipts	(2,000,000)		
TOTAL REDUCTIONS	**(11,363,111)**		

H.B. 1340 (Proposed Conference Committee Substitute—4286)
UNIVERSITY OF NORTH CAROLINA (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
Enrollment Increase			
Increase of 3,130 FTE	$17,690,440		
Tuition at current rates	(2,462,825)		
Net Enrollment Request	$15,227,615		
(a) Reduce summer school request to reflect current funding rates	(75,000)		
(b) Eliminate proposed enrollment increase in Health Affairs; (all from prior year went to continuing education area: Cost is $20,400 per FTE	(858,373)		
Net Enrollment Recommendation	$14,294,242		
Tuition Increase			
1. S - Resident Increase 6%, except for N.C. School of Arts	(4,880,000)	(4,880,000)	
H - Resident Increase 5%			(4,000,000)
2. S - Non-resident increase 11.5%, except for N.C. School of the Arts	(11,180,000)	(11,180,000)	
H - Non-resident increase 5% at all schools except doctoral; 15% at doctoral campuses			(10,000,000)
3. Apply tuition increase to summer school	(500,000)		
4. Add need-based financial aid for residents	1,500,000		
Special Bills			
1. Funding for SB 1027(Warren)/HB 1357 (Barnes) for Teacher Training Task Force	$35,000		
2. SB 1057 (Perdue/Conder/Shaw)/HB 1370 (Redwine) Shellfish Enhancement Funds	231,889		
3. Senate Bill 1207 (Staton/Royall) World Trade Center	184,000	184,000	-
NET CHANGE	(11,677,980)	(15,876,000)	(15,000,000)
Transfers			
1. Funds to Department of Community Colleges for Chinqua-Penn Plantation	-	(60,000)	-

(Page 9-11)
DEPARTMENT OF AGRICULTURE

1. Pesticide Control and Analysis. Funds to implement expanded federal requirements for the training, certification, and inspection of pesticide applicators.	542,674	
	(8)	
2. Meat and Poultry Division. Fund two positions and support to replace federal monitor positions; fund travel for federally mandated training and for inspection of meat and poultry plants.	186,834	Req
	93,417	Rec
	93,417	GF
	(2)	

H.B. 1340 (Proposed Conference Committee Substitute—4286)
DEPARTMENT OF AGRICULTURE (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
3. Standards Division. Funding from the gas and oil tax for positions and equipment to implement federal Clean Air requirements for monitoring and registering companies selling oxygenated gasoline.	169,806 Req 169,806 Rec 0 GF (2)		
4. Standards Division. Establish fee for equipment calibration services to purchase advanced calibration equipment. HB 945 was amended to eliminate fee; appropriation is contingent upon enactment of a fee.	Appropriation Contingent Upon Fee Enactment	30,300 Req 30,300 Rec 0 GF	30,300 Req 30,300 Rec 0 GF
5. Marketing Division. Fund horticultural/apple marketing specialist for Asheville Farmers Market.	72,333 (1)		
6. Veterinary Services. Funds to implement new regulations requiring all horses sold in North Carolina to be tested for Equine Infectious Anemia (EIA). Funds for four positions and support and for laboratory supplies.	-	242,451 Req 42,451 Rec 200,000 GF (4)	- - -
7. Food and Drug. Increase receipts for Feed Tax.	(40,000)		
8. Food and Drug. Increase receipts for Lime Tax.	(25,000)		
9. Food and Drug. Increase receipts for Pesticide Ground Applicators License Fee.	(25,000)		
10. Veterinary Services. Increase receipts for Veterinary Service fees.	(40,000)		
11. State Farms. Recapture Timber receipts.	(111,000)		
12. State Farms. Reduce equipment funding.	(150,000)		
13. Commodity Distribution. Eliminate salary and benefits for vacant Stock Clerk position.	(18,190) (-1)		
NET CHANGE	**299,234** (12)	**200,000**	-

(Page 12-15)
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

1. Industrial Commission - Fund optical disk storage system and related support.	$582,322 (3)		

H.B. 1340 (Proposed Conference Committee Substitute—4286)
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
2. Industrial Commission - Fund ombudsman position to respond to inquiries.	45,175 (1)	-	45,175 (1)
3. Industrial Commission - Fund positions to adjudicate increased number of contested cases.	255,221 (6)	146,769 (2)	255,221 (6)
4. Industrial Commission - Fund additional law clerks to reduce delays in processing contested claims.	82,500 (2)	-	82,500 (2)
5. Industrial Commission - Fund additional position to process compromise settlement agreements.	45,175 (1)	-	45,175 (1)
6. Industrial Commission - Fund additional position to facilitate closing of claims.	23,937 (1)	-	23,937 (1)
7. Industrial Commission - Provide funding for the Industrial Commission to move into rented space and support for mail room staff and equipment.	-	-	333,970 (4)
8. Industrial Commission - Fund additional staff to reduce delay in processing non-contested claims.	30,000 (1)	-	51,945 (2)
9. Industrial Commission - Fund additional staff to increase compliance of companies covered under the Workers' Compensation Act.	-	-	133,677 (3)
10. Industrial Commission - Fund additional staff to provide rehabilitation services to injured employees.	-	-	39,437 (1)
11. Industrial Commission - Fund additional safety position to assist in reducing work related accidents.	-	-	33,329 (1)
12. Industrial Commission - Funds for medical consultant to review medical bills submitted with claims.	-	-	62,400
13. N.C. Film Office. Increase operating support.	200,000	273,500	100,000
14. HOME. Fund Phase I of 1993 match for federal housing funds.	2,300,000	1,556,723	3,000,000
15. PHHHP (Homeless Program). Provide one position and administrative support.	42,897 (1)		

H.B. 1340 (Proposed Conference Committee Substitute—4286)

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
16. International Development. Fund one position currently supported by private funds.	23,777 (1)		
17. International Development. Increase travel.	100,000	150,000	75,000
18. Travel and Tourism. Increase advertising.	175,000	100,000	250,000
19. Main Street Financial Incentive Fund. Recapture interest.	(40,000)		
20. Rural Electrification Authority. Eliminate GF support (100% fee support since 1991).	(97,931)		
21. Business Assistance. Eliminate Information and Communication Specialist III and Computer Programmer II positions which were funded but never established.	(70,474) (-2)		
22. Business Assistance. Funding for secretary for the Greenville Economic Development Regional Office.	25,000 (1)	25,000 (1)	-
23. Business Assistance. Funding for one environmental specialist.	-	50,000 (1)	-
24. Hazardous Waste Management Commission. Eliminate vacant engineer position.	(59,950) (-1)		
25. Hazardous Waste Management Commission. Transfer 100% funding to a reserve account ($236,719).		— (-2)	
Hazardous Waste Management Commission. Phase out by December General Fund support for Commission due to private siting of hazardous waste facility; and, place balance of funds into a restricted reserve.	Reserve as Noted		(236,719) (-2)
26. Industrial Development Fund. Continue economic assistance to local units of governments by partially restoring a 1991 session reduction in the Industrial Building Renovation Fund.	Capital Bill	500,000	-
NET CHANGE	**3,662,649** **(15)**	**2,801,992**	**4,295,047**

H.B. 1340 (Proposed Conference Committee Substitute—4286)

	1992-93		
		Disagreed	
	Agreed	Senate	House
(Page 16-19)			
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES			
1. Low Level Radioactive Waste Site Permitting. Fund permitting and licensing personnel for required activities for the proposed site.	$1,101,620 (12)		
2. Communicable Disease Control. Funds for local health departments, pharmaceuticals, partner notification program and HIV testing.	1,118,754 (6)		
3. Zoo. Provide operating support for new Desert Pavilion facility.	647,943 (14)	647,943 (14)	323,972 (14)
4. Zoo. Provide operating support for new North America habitat facilities.	800,000 (27)	800,000 (27)	400,000 (27)
5. Solid Waste. Fund additional technical assistance to local governments to meet waste reduction goals.	319,902 (6)		
6. Solid Waste. Fund positions in Septage Program.	100,000 (2)	35,000 (1)	125,000 (3)
7. Waste Reduction. Fund additional technical assistance in pollution prevention and solid waste recycling.	214,612 (4)		
8. Maternal and Child Health. Fund special therapies and appliances under P.L. 99-457.	900,000 (17)	704,810 (12)	1,397,236 (17)
9. Epidemiology. Funding to provide required vaccines to additional children.	950,000	1,075,000	900,000
10. Maternal and Child Health. Continue grant-in-aid for N.C. Adolescent Pregnancy Prevention Coalition.	75,000		
11. Maternal and Child Health. Reduce surplus in Children's Special Health Services.	-	-	(100,000)
12. Maternal and Child Health. Funding for development of parent education protocols.	25,000 (1)	-	25,000 (1)
13. Maternal and Child Health. Funding to establish four comprehensive adolescent health care demonstration projects. (Effective 4/1/93)	50,000	-	100,000

H.B. 1340 (Proposed Conference Committee Substitute—4286)

DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES (Continued)	1992-93		
		Disagreed	
	Agreed	Senate	House
14. Maternal and Child Health. Funding to contract with UNC Center on Early Adolescence to provide technical assistance and to evaluate adolescent health care projects.	25,000	-	50,000
15. Maternal and Child Health. Fund additional support for sickle cell program and centers.	460,000 (4)	280,000 (2)	560,000 (4)
16. Maternal and Child Health. Funds to provide a grant-in-aid to the Board of Governors of the University of North Carolina for a program at the School of Medicine at the University of North Carolina at Chapel Hill to implement the "Cocklear Implant" procedure and other services for deaf children.	270,000	-	270,000
17. Health Statistics. Funds for study on relationship between family poverty and child death.	-	-	39,657 (1)
18. Environmental Health. Fund positions in On-Site Sewage Program.	176,150 (3)	114,901 (2)	265,000 (5)
19. Forest Resources. Increase timber products receipts.	(65,000)	(50,000)	(95,000)
20. Environmental Management. Eliminate Hydrogeological Technician II position which was funded but never established.	(28,752) (-1)		
21. Health Lab. Eliminate Chemistry Technician I position vacant since 9/01/90.	(23,153) (-1)		
22. Health Lab. Eliminate Cytotechnologist I position vacant since 3/31/91.	(36,151) (-1)	-	(36,151) (-1)
23. Parks and Recreation. Fund pilot program using county jail inmates for park maintenance and repair.	100,000	100,000	-
NET CHANGE	**7,180,925** **(93)**	**3,707,654**	**4,224,714**

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DEPARTMENT OF LABOR			
1. OSHA. Annualize 27 safety officer positions funded in 1991.	1,469,825 (27)	1,469,825 (27)	1,587,825 (27)
2. OSHA. Increase staffing to meet federal benchmarks. Fund 25% of positions each quarter.	1,711,869 (50)	1,711,869 (50)	1,779,793 (53)

H.B. 1340 (Proposed Conference Committee Substitute—4286)

DEPARTMENT OF LABOR (Continued)	1992-93		
		Disagreed	
	Agreed	Senate	House
3. Wage & Hour. Add positions to reduce backlog.	170,000 (5)		
4. Elevator Inspection. Add positions due to increased demand.	308,661 Req 91,055 Rec 217,606 GF (10)		
5. Boiler Inspection. Add positions due to increased demand.	91,019 Req 91,019 Rec 0 GF (2)		
6. Mine & Quarry. Fund position that was federally funded.	51,484 (1)		
7. Bureau of Labor Statistics Survey. Add positions to meet increased federal data requirements.	59,636 Req 29,818 Rec 29,818 GF (2)	119,273 Req 59,636 Rec 59,637 GF (4)	59,636 Req 29,818 Rec 29,818 GF (2)
8. Department-wide. Partial restoration of 1991 Session travel reduction.	50,000	50,000	-
NET CHANGE	**3,700,602** **(97)**	**3,291,331**	**3,397,436**

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NON-STATE ENTITIES			
1. Economic Development Funds. Funds to support economic development activities in minority neighborhoods and communities, programs that assist small business, and job training programs.			
a) Office of State Budget	750,000		
Rural Economic Dev. Ctr.	2,200,000	2,950,000	
b) Economic Development Funds. Funds for opportunities industrialization centers.	75,000	75,000	-
2. Office of State Budget - Grant-in-Aid to RURAL WATER ASSOCIATION.	100,000	100,000	-
NET CHANGE	**3,125,000**	**175,000**	-

(Page 23)

DEPARTMENT OF ADMINISTRATION			
1. Pay inauguration expenses and transition costs for incoming Governor and Council of State members.	160,000	185,000	135,000
2. Eliminate deficit in scholarship program for children of veterans.	540,000		

H.B. 1340 (Proposed Conference Committee Substitute—4286)
DEPARTMENT OF ADMINISTRATION (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
3. Minority, Women & Disabled Vendors Business Enterprise Program. Adds staff and support to meet reponsibility for certifying minority, women, and disabled vendors desiring to participate in state procurement and construction processes. (Effective January 1, 1993)	153,561 (3)	153,561 (3)	-
4. Agency for Public Telecommunications. Increases appropriation to offset shortfall in receipts.	225,000	225,000	-
5. Reduce Governor's Widow Pension Fund	(12,000)	(12,000)	
(Page 24)			
OFFICE OF STATE PERSONNEL			
1. Pay increased costs resulting from more extensive use of the Personnel Management Information System (PMIS).	150,000		
2. Continue Unemployment Insurance Contract.	62,400		
3. Decentralization Delay. Restores positions needed because decentralization is being delayed.	190,000 (4.75)	249,786 (5.75)	-
Provide 1 Personnel Analyst II and 1 Clerk Typist III positions for Equal Opportunity Services and 2 Personnel Analyst II positions for Position Management and 1 Personnel Analyst III (3/4 time) position for the Personnel Development Center.			
4. Equal Employment Opportunity Institute. Adds staff to furnish statutorily required training for managers and supervisors.	77,243 (2)	77,243 (2)	-
NET CHANGE - ADMINISTRATION/PERSONNEL	**1,546,204** **(9.75)**	**878,590**	**135,000**
DEPARTMENT OF STATE CONTROLLER			
1. Continue Accounting System changeover.	2,200,000		
(Page 25)			
DEPARTMENT OF INSURANCE			
1. Restore Consumer Protection Fund to $1,000,000 as allowed by General Statutes 58-2-215.	717,944		

H.B. 1340 (Proposed Conference Committee Substitute—4286)
DEPARTMENT OF INSURANCE (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
2. Establish a Regulatory Unit to monitor more closely alternative health insurance providers such as Preferred Provider organizations, Multiple Employer Welfare Arrangements and 3rd Party Administrators.	97,000 (2)		
3. Reserve - Medical Database Commission. Provides funds to begin collecting data on out-patient surgical facilities as required by General Statutes.	325,000 (1)	375,000 (1)	-
4. Fire Safety Inspection Assistance Program. To assist local governments in their understanding and enforcement of the State's Fire Safety Code.	-	-	185,000 (4)
NET CHANGE	1,139,944 (3)	375,000	185,000

(Page 26)
STATE BOARD OF ELECTIONS

1. Provides for additional clerical position for the Campaign Reporting Office.	23,411 (1)		
2. Provides Telecommunications Device for communicating with hearing-impaired persons.	1,064		
NET CHANGE	24,475 (1)		

ADMINISTRATIVE RULES REVIEW COMMISSION

1. Provides funds for conference room rental.	4,500		

DEPARTMENT OF STATE AUDITOR

1. Reduce Contributions to Firemen's and Rescue Squad Pension Fund for 1992-93 without reduction in services or benefits. Firemen's Pension Fund $113,269 Rescue Squad Pension Fund 5,425	(118,694)		
2. Provides funds for phone system.	40,000	40,000	
3. Provides funds for office lighting and replace two copiers	37,500	37,500	-
4. Provides funds for travel	33,097	33,097	-
5. Provides funds for Employee Education	9,181	9,181	-
NET CHANGE	1,084	119,778	-

H.B. 1340 (Proposed Conference Committee Substitute—4286)

	1992-93		
		Disagreed	
	Agreed	Senate	House
(Page 27)			
DEPARTMENT OF REVENUE			
1. Controlled Substance Tax Program			
a) Appropriate funds to continue support for 11 positions and operating expense which was previously provided by Federal Funds.	550,891 (11)		
b) Establish three new positions to handle workload.	64,700 (3)	64,700 (3)	-
2. Motor Fuels Tax Division. Provides funds for a Tax Auditor and one Field Investigator and support costs for better enforcement of the fuel tax laws.	86,968	86,968	-
	(86,968)	(86,968)	-
	(2)	(2)	
NET CHANGE	615,591 (16)	64,700	-
(Page 28)			
STATE TREASURER			
Investment and Banking Division			
1. Provide increase in services of Investment advisors to increase investment earnings. (Non-tax revenue increase will offset requirements).	$250,000		
2. Provide funds to implement transfer of Fire and Rescue Squad Pension Fund operations to the State Treasurer's Office.	15,000		
NET CHANGE	$265,000		
(Page 29-38)			
DEPARTMENT OF HUMAN RESOURCES			
Continuation Budget Changes:			
DIVISION OF MEDICAL ASSISTANCE			
1. Disproportionate Share Revenue: Funds donated to the state by hospitals to offset the cost of unbudgeted utilization increases in the Medicaid program for FY 92-93	($65,621,280)		
2. Savings due to Carolina Access Program and Other Services. Anticipated savings associated with the Carolina Access Program and cost containment activities planned for other services for FY 92-93.	(2,800,000)		
3. Increase Recipient Co-payment for Medicaid Services. Increase recipient co-payments across all allowable services to the maximum allowed by federal regulation.	(337,000)		

H.B. 1340 (Proposed Conference Committee Substitute—4286)
DEPARTMENT OF HUMAN RESOURCES (Continued)
Continuation Budget (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
4. Adjustments to the Utilization and Inflationary Increases for Medical Care Providers to be implemented by the Division of Medical Assistance.	(5,300,000)		
5. Durable Medical Equipment: Adjustment due to reduction in reimbursement schedule from 100% to 85% of Medicare Allowable fees effetive 10/1/92.	(389,000)	(389,000)	
DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES			
1. Increase Institutional Patient Receipts. Adjustments to patient receipts in state psychiatric hospitals and mental retardation centers to more accurately reflect anticipated revenues.	(7,661,000)		
2. Elimination of Operating Reserves. Elimination of reserve to operate the second Alzheimers Unit at Black Mountain Center which is now scheduled to open in spring in 1993-94 and the elimination of reserves no longer needed for the state institutions' Central Food Production Unit.	(2,313,945)		
DIVISION OF SOCIAL SERVICES			
1. Domiciliary Care Budget: Adjustment to reflect reduction in the average monthly payment made on behalf of domiciliary care residents due to larger than anticipated Cost of living increases in resident social security payments.	($753,833)		
Total Continuation Budget Changes	**($85,176,058)**		
Expansion:			
DIVISION OF MEDICAL ASSISTANCE			
1. Change in the Federal Participation Rate: Funds to support reduction in the FFP rate from 66.52% to 65.92% effective 10/1/92	8,944,227		
2. Medicaid Utilization Increase: Funds to support unbudgted costs in the Medicaid Program due to unanticipated increases in utilization, rising eligibles, and increases in nursing home beds.	70,298,828		
3. Update Poverty Level in April: Funds to provide for increasing eligibility thresholds to reflect annual federal poverty levels in April rather than in July.	166,118		

H.B. 1340 (Proposed Conference Committee Substitute—4286)

	1992-93		
		Disagreed	
	Agreed	Senate	House
DEPARTMENT OF HUMAN RESOURCES (Continued)			
Expansion Budget (Continued)			
4. Drug Utilization Review: Funds to support a federally mandated Drug Utilization Review Program.	125,000		
5. Infant Mortality/Early Periodic Screening, Diagnosis and Treatment (EPSDT) Funds: Funds to develop a computerized management information system and to support administration of EPSDT Program effective January 1, 1993. (House - July 1, 1992)	500,000	250,000	500,000
6. Preventive Mamogram Screenings. Funds to cover the cost of providing preventive mamogram screenings for medicaid eligible women.	75,000	304,853	75,000
DIVISION OF FACILITY SERVICES			
1. Child Day Care. Funds to provide match requirements for federal Family Support Act funds that will be used to serve the increased number of eligible children. This amount of state funds will earn approximately $24M in federal funds.	$12,431,072		
2. Federal Financial Participation Rate Change. Funds needed due to change in the federal financial participation rate from 66.52% to 65.92%.	160,600		
3. Home Care Licensure Funds. Funds to implement the requirements of the Home Care Licensure Act enacted in 1991.	80,121 (2)		
DIVISION OF YOUTH SERVICES			
1. Prison Bond Package Operating Fund. Funds to support the operating expenses of projects scheduled to be completed during the 1992-93 fiscal year.	1,091,170 (56)		
2. Eckerd Camp. Funds to restore slots, upgrade counselor's salaries, and adjust program contract.	300,000		
3. New Hanover Detention Center. Funds for the operation of the New Hanover Youth Detention Center as a state operated regional detention facility.	500,000		
DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES			
1. Willie M Program. Funds to continue the state-operated secure-bed treatment center at Butner and for specific services needed for individual Willie M class members.	3,584,000		
2. First Step Farm for Women. Funds to operate a 15 bed substance abuse residential program for women.	243,000		

H.B. 1340 (Proposed Conference Committee Substitute—4286)
DEPARTMENT OF HUMAN RESOURCES (Continued)
Expansion Budget (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
3. Mental Health, Developmental Disabilities and Substance Abuse Services Funds. Funds to expand services in accordance with the Mental Health Study Commission Service Plans and Coalition 2001.	7,800,000	10,000,000	5,000,000
With the use of new federal block grant funds, total increased funding will be $10.0 million. Non-recurring funds will be used for start-up costs for the HUD Homes for the developmentally disabled and the mentally ill and for the UCP therapeutic pre-school program.	1,200,000	NR	
4. Early Childhood Intervention Services. Funds to provide transportation services to infants and toddlers receiving early childhood intervention services in accordance with PL 99-457.	516,135		
DIVISION OF SOCIAL SERVICES			
1. AFDC Supplemental Funds: Funds to support unbudgeted growth in AFDC caseloads.	2,767,749		
2. AFDC-UP Supplemental Funds: Funds to support unbudgeted growth in AFDC-UP caseloads.	1,407,894		
3. Infant Mortality/Maternity Care Home Funds: Funds to support annual cost of services for eligible women who receive care from maternity homes.	300,000		
4. Child Fatality Task Force/Child Medical Evaluation Program: Funds to support the annual cost of continuing comprehensive medical and mental health evaluations for children who are suspected of being abused and/or neglected. Of this sum, 180,000 is a one time appropriation for past obligations.	935,750		
5. Child Fatality Task Force/County Child Protective Services: Funds support the cost of child protective services staff and services. Funds to be allocated to counties on the basis of their relative share of statewide reports to the Child Abuse and Neglect Registry. Effective July, 1992.	1,000,000		

H.B. 1340 (Proposed Conference Committee Substitute—4286)
DEPARTMENT OF HUMAN RESOURCES (Continued)

Expansion Budget (Continued) Division of Social Services (Continued)	1992-93		
		Disagreed	
	Agreed	Senate	House
6. Child Fatality Task Force/Biennial Reviews of Child Protective Services Programs. Funding to Support 2 positions to conduct biennial reviews of local CPS programs, effective July 1, 1992.	$ 80,680 (2)		
7. Child Fatality Task Force/Child Protective Services Hotlines: Funds to support the establishment of 24 hour CPS dedicated telephone lines in counties statewide effective July 1, 1992.	62,000		
8. H - Rest Home Rate Increases: Funds to increase the maximum monthly rate from $832 to $876 for ambulatory and from $871 to $915 for semi-ambulatory residents. Effective July 1, 1992.			
Social Services Requirements			7,036,248
Receipts (County)			3,518,124
Appropriation			3,518,124
S - Rest Home Rate Increases: Funds to increase the maximum monthly rate from $832 to $902 for ambulatory and from $871 to $941 for semi-ambulatory residents. Effective July 1, 1992.			
Social Services Requirements		12,640,000	
Receipts (County)		6,320,000	
Appropriation		6,320,000	
C - Rest Home Rate Increases: Funds to increase the maximum monthly rate from $832 to $889 for ambulatory and from $871 to $928 for semi-ambulatory residents. Effective July 1, 1992.			
Social Services Requirements	9,838,124		
Receipts (County)	4,919,062		
Appropriation	4,919,062		
9. Adoption Subsidy. Funds to increase the subsidy to families who adopt children with special needs from $150 to $200 per month effective 7/92.	440,000		
10. Social Services. Funding to support grants for family centered services.		-	150,000
Social Services. Funding to support grants for family centered services; and funds for implementation of Social Services Plan pilots in 3 counties.	460,000	460,000	-

H.B. 1340 (Proposed Conference Committee Substitute—4286)
DEPARTMENT OF HUMAN RESOURCES (Continued)
Expansion Budget (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
OFFICE OF THE SECRETARY			
1. Rural Health Recruitment Funds. Funds to provide stipends for general medicine residents who elect to practice in underserved areas of the State.	100,000	200,000	100,000
2. Grant-in-Aid for the N.C. Council on the Holocaust.	25,000		
DIVISION OF VOCATIONAL REHABILITATION			
1. Funds to expand the Independent Living Rehabilitation Program. $130,000 to fund the Wilmington and Hickory programs and $250,000 to establish a new program in Greensboro.	380,000 (8)		
STATE AID TO NON STATE AGENCIES			
1. Infant Mortality/Children's Home Society: Funds to support prenatal counseling and services to pregnant women and adoption placement services for infants with special medical needs.	$ 50,000		
2. Autism Summer Camp Funds. Grant-in-Aid to the Autism Society of North Carolina to support operations of their programs and to support a children's/adult's summer camp.	345,960		
3. Autism Camp and Conference Center. Grant-in-Aid to the Autism Foundation of North Carolina for the development of a summer camp and conference center.	300,000		
4. Eastern Maternity Home. Funds to support startup costs of a maternity home for Eastern North Carolina.	300,000	300,000	
5. Matching Funds to Uplift, Inc. Funds used to provide technical assistance to counties to better use existing resources to support children and families.	100,000	100,000	-
NET CHANGE	**$36,813,308** **(68)**	**$17,545,853**	**$9,343,124**

(Page 39-40)
DEPARTMENT OF CORRECTION
Continuation Budget Changes:

1. Adjustment to Operating Reserves for Facilities under Construction or Funded: These adjustments are due to changes in staffing patterns, size of facilities, and projected operational dates.	($4,857,515) (-314)		

H.B. 1340 (Proposed Conference Committee Substitute—4286)
DEPARTMENT OF CORRECTION (Continued)
Continuation Budget Changes (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
2. Adjust Reserve due to revised completion date for facility at Lumberton.	(1,900,000)		
3. Elimination of Duplicate Funding. This reduction in reserves is due to duplicate funding for positions needed to operate new facilities.	(3,071,082)		
Expansion Budget:			
1. Funding for Underbudgeted Line Items: These funds are needs to cover FY 1991-92 requirements that have not been paid ($3,765,591 non-recurring for food, clothing, State Information Processing Services charges, and operating expenses for the Parole Commission) and FY 1992-93 recurring expenses($8,519,615) for medical costs, extradition, outside prisoner housing, and housekeeping and kitchen/dining supplies.	$12,285,206		
2. Critical Prison Staffing Needs: Funds for staff to meet needs due to 1) increased admissions at diagnostic centers at Hoke, Odom, Piedmont, and Rowan, 2) security and medical services at Hoke and Blanche; 3) programming at Craggy, and 4) security at Sandhills Youth Center.	2,590,692 (131)		
3. State Information Processing Services: Funds for increased processing charges from SIPS due to increased admissions and number of inmates, additional data on inmates, parolees, and probationers, and development of a perpetual inventory system. The deficiency for FY 1991-92 is projected to be $2,515,702.	2,030,000		
4. Funding for Offender Drug Screening Program Funds to continue the drug screening program for probationers and parolees that is supported by federal funds through June 30, 1992 and to test prison inmates.	723,099 (12)	723,099 (12)	500,000 (6)
NET CHANGE	**$7,800,400** **(-171)**	**$723,099**	**$500,000**

H.B. 1340 (Proposed Conference Committee Substitute—4286)

	1992-93		
		Disagreed	
	Agreed	Senate	House
(Page 41-45)			
JUDICIAL DEPARTMENT			
Continuation Budget Changes:			
1. Reduce employer retirement contribution for the Consolidated Judicial Retirement System by 3.43% for FY 1992-93. The rate for FY 1992-93 would then be:			
Normal 14.82%			
Accrued Liability 8.66%			
Death Benefit .55%			
Health Insurance 2.00%			
Total 26.03%	($1,000,000)		
Expansion Budget:			
1. Indigent Persons' Attorney Fee Fund Projected Shortfalls: Funds to cover the projected shortfall of $1,000,000 to $1,200,000 for FY 1991-92 due to increased number of indigent persons being represented, increases in cost of representation, and the "Little Rascals" case. The projected deficit for FY 1992-93 is based upon anticipated growth in number of cases and cost of representation.	3,026,969	2,850,000	$3,590,000
2. New Judicial Department Personnel Requests: Funds for new personnel to meet increased caseloads and filings. (See attached list.)	3,280,531	2,152,918	3,329,432
	(122)	(102)	(123)
3. Guardian Ad Litem Program: Funds to support additional Guardian Ad Litem Coordinators to recruit, train, and assign volunteers for the approximate 11,000 children in need of advocacy and appropriate representation in cases of abuse and neglect, dependency, and contested termination of Parental Rights cases. Currently 30 of 37 districts now have staffed programs.	577,000	481,582	577,000
	(15)	(15)	(15)
4. Increased Operating and Equipment Requirements: Funds to replace equipment (copiers, courtroom recording equipment, printing and filing shelves).	250,000		

H.B. 1340 (Proposed Conference Committee Substitute—4286)

JUDICIAL DEPARTMENT (Continued)	1992-93		
Expansion Budget (Continued)		Disagreed	
	Agreed	Senate	House
5. Expansion of Court Information System: Expand court information processing for the financial systems of bookkeeping, accounting, cash receipting, and child support/enforcement, rewriting of the case processing system, and the civil indexing system.	250,000	250,000	253,561
6. Access to Civil Justice for Indigents: Continue funds previously appropriated for indigent persons to have legal aid in civil matters.	1,000,000		
7. Fund Transylvania Dispute Settlement Center: Sixteen counties now have dispute settlement centers which are partially funded by the State. Two counties (Pitt and Transylvania) now operate centers with no State support. The FY 1991-92 budgets are $54,979 and $43,477 respectively. This would provide 18 percent of the operating budget for the the center in Transylvania.	8,000		
7a. Alamance County has a Dispute Settlement Center which now receives $7,500 per year. It is in need of additional state funding to meet its workload.	7,500	7,500	-
8. Funding for position of setoff debt collection officer from Indigent Judgment Receipts.	40,701	46,874	40,701
	(40,701)	(46,874)	(40,701)
	(1)	(1)	(1)
NET CHANGE	**7,400,000**	**5,742,000**	**7,749,993**
	(138)		

H.B. 1340 (Proposed Conference Committee Substitute—4286)
THE JUDICIAL DEPARTMENT OF NORTH CAROLINA 6-28-92
BUDGET REQUEST FOR $7,400,000 EXPANSION BUDGET Page 3 of 4
(NOTE: UNLESS OTHERWISE SPECIFIED, ALL POSITIONS ARE EFFECTIVE 8-1-92)

POSITION DESCRIPTION BY FUND	REQUEST
FUND 1230 SUPERIOR COURT	
6 Court Reporters	$177,966
Fund 1230 Subtotals:	**$177,966**
Fund 1240 District Court	
2 Magistrates	$39,684
2 Court Reporters	$59,322
1 District Court Judge Secretary	$21,461
Fund 1240 Subtotals:	**$120,467**
Fund 1250 Juvenile Services	
9 Court/Intake Counselors	$267,867
5 JSD Secretaries	$108,710
Fund 1250 Subtotals:	**$376,577**
Fund 1260 Clerks of Court	
50 Deputy Clerks	$986,100
Fund 1260 Subtotals:	**$986,100**
Fund 1320 Public Defender	
4 Investigators	$122,164
2 Public Defenders' Secretaries	$40,394
Fund 1320 Subtotals:	**$162,558**
Fund 1600 District Attorneys	
13 Assistant District Attorneys	$636,246
8 Assistant District Attorneys (Eff. 10-1-92)	$315,152
10 District Attorney Secretaries	$198,870
5 Victim-Witness Assistants	$122,580
1 District Attorney Investigator	$30,589
Fund 1600 Subtotals:	**$1,303,437**
Fund 1110 AOC - General Administration	
1 Grants Manager	$44,331
1 Field Auditor	$40,020
1 AOC Secretary II	$28,144
Fund 1110 Subtotals:	**$112,495**
Fund 1120 AOC - Information Services	
1 Telecommunication Analyst	$40,931
Fund 1120 Subtotals:	**$40,931**
TOTAL REQUIREMENTS:	**$3,280,531**
TOTAL NUMBER OF NEW POSITIONS:	**122.00**

H.B. 1340 (Proposed Conference Committee Substitute—4286)

	1992-93		
		Disagreed	
	Agreed	Senate	House
(Page 46-48)			
CRIME CONTROL AND PUBLIC SAFETY			
Continuation Budget Change:			
1. Delete Vacant Positions. Delete non-critical vacant position(s) equal to the value of the reduction.	$(88,238)		
Expansion:			
1. Restore Budget for Gasoline. In the 1991 Session adjustments for fuel tax affecting the General Fund budget reduced more funding than was required for ALE and Butner Public Safety. Appropriation restores excess tax paid by the two divisions.	$67,137		
2. Operational Expense for Additional Facility. Provide operational expense for new Air National Guard maintenance hangar at Douglas International Airport in Charlotte. Facility becomes operational in March, 1993.			
Requirements	22,469		
Receipts	16,852		
Appropriation	5,617		
Position(s)	(1)		
3. Operational Cost for Existing Logistical Facilities. Funding provides additional match to support a new Housekeeping position, supplies, repairs and maintenance for 25 existing facilities.			
Requirements	274,620		
Receipts	205,964		
Appropriation	68,656		
Position(s)	(1)		
4. Matching Funds for Hurricane Hugo. Funds are required to complete payments to local agencies for damages incurred as a result of the disaster.	556,626		
5. National Guard Pension Fund. Increase Pension Fund requirements.	17,984		
6. Summit House Continued funding for Summit House a community-based residential alternative for pregnant women convicted of non-violent crimes.	250,000		
NET CHANGE	877,782		
	(2)		

H.B. 1340 (Proposed Conference Committee Substitute—4286)

	1992-93		
		Disagreed	
	Agreed	Senate	House
HIGHWAY PATROL - Highway Fund			
1. Motor Vehicle Operation. Adjust appropriation due to fuel tax exemption approved in the 1991 Session.	($603,913)		
Total HF Continuation Budget Change	**($603,913)**		
(Page 49-50)			
DEPARTMENT OF JUSTICE			
Continuation Budget Changes:			
1. Delete Vacant Positions. Delete non-critical vacant position(s) equal to the value of the reduction.	$(90,870)		
2. Eliminate Duplicate Funding. Reduce budget by eliminating duplicate funding placed in reserve for the Lake Gaston and Mobil Oil projects.	(229,627)		
Expansion:			
1. Provide Additional Legal Services. Authorizes replacement funding for an attorney position in the Property Section, as a result of an adjusted receipt from the State Ports Authority; a new attorney in the Revenue Section, a new attorney in the Tort Claims Section, two paralegal positions in the Special Litigation Section, and a secretarial position for the Capital Litigations Project.			
Requirements	255,672	255,672	69,351
Receipts	24,300	24,300	24,300
Appropriation	231,372	231,372	45,051
	(5)	(5)	
2. Provide Optical Retrieval System/Disk Storage System for DCI. Appropriate funding to store files more efficiently and safely. Provides expansion capability without using additional space.	180,000		
3. SBI Agents. Funds to restore a portion of the 23 positions lost in the last two years, and assist with increasing drug and violent crime cases.	672,777	448,518	897,036
	(9)	(6)	(12)
4. Staff for Labor Section (Workplace Safety). Add personnel in Labor Section to meet increased OSHA caseloads in the Department of Labor.	75,000	75,000	$168,156
	(2)	(2)	(4)

H.B. 1340 (Proposed Conference Committee Substitute—4286)

DEPARTMENT OF JUSTICE (Continued)	1992-93		
Expansion (Continued)		Disagreed	
	Agreed	Senate	House
5. Personnel and Expenses to Support Criminal Justice Standards Commission. Funding to support a Field Training Specialist position to coordinate job task analyses projects. also restores funds for Commission and staff travel reduced in previous session.	75,639 (1)	75,639 (1)	-
6. Restore Legal Positions Transfer Funds. Partially restore funding earmarked for the 15% reduction of legal positions transferred per Section 91 of Chapter 689 of the 1991 Session Laws.	-	17,142	
NET CHANGE	914,291 (17)	847,671	1,110,243

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Additional Items

Reserve for Salary Reduction - Positions Vacated by Retirees Reduce the budgeted position salary of positions vacated due to retirement by 30%.	(19,500,000)		
Reserve for Salary Increases Average 2% Cost-of-Living - Gives all state employees $43.50 per month salary increase, funds the Teacher Salary Schedule, and provides teachers' longevity payments.	115,140,128	114,550,000	108,500,000
State employees/teachers 111,026,870			
Local programs Human Resources 3,785,210 EHNR 328,048 Total 4,113,258			
Salary Reserves Delete salary reserve from departmental budgets. (See page 51A; Office of State Budget shall reduce appropriations with certification for each unit as shown).	(1,926,180)		
Reserve for Integrated Tax Administration System.		-	1,400,000

H.B. 1340 (Proposed Conference Committee Substitute—4286)

(Page 51A)

SALARY RESERVE AS OF JUNE 5, 1992
(Includes Ret./Soc. Sec.)

Agency	Salary Reserve
Judicial Department	$ 217,824
Governor's Office	40,306
Lieutenant Governor's Office	14,235
State Auditor	4,754
State Treasurer	1,507
Department of Public Instruction	45,420
Justice	82,650
Department of Agriculture	43,337
Department of Labor	64,083
Department of Insurance	77,439
Department of Administration	60,496
State Controller's Office	31,866
Environment, Health, and Natural Resources	269,165
ARC Black Mountain	6,239
ARC Butner	458
ARC Greenville	931
N.C. Special Care Center	8,046
Black Mountain Center	10,545
Human Resources - Secretary's Office	27,079
Division of Aging	59
N.C. Schools for the Deaf and Blind	34,050
Social Services	43,139
Medical Assistance	10,797
Services for the Blind	39,014
Mental Health	70,385
Dorothea	7,810
Broughton Hospital	32,966
Cherry Hospital	16,453
John Umstead Hospital	1,539
Western Carolina Center	16,673
O'Berry Center	15,354
Murdock Center	11,827
Caswell Center	32,805
Facility Services	57,521
Division of Vocational Rehabilitation	12,826
Youth Services	73,791
Economic and Community Development	27,447
Revenue	301,808
Cultural Resources	4,260
Crime Control	50,678
UNC General Administration	15,800
A&T University	10,360
Winston-Salem State	22,896
N.C. Central University	1,185
N.C. School of Science and Math	5,695
Community Colleges	135
Office of Administrative Hearings	484
Administrative Rules Review Commission	2,043
TOTAL	**$1,926,180**

H.B. 1340 (Proposed Conference Committee Substitute—4286)

	1992-93		
		Disagreed	
	Agreed	Senate	House
(Page 52)			
TRANSPORTATION - AID TO AIRPORTS			
State Aid:			
1. Increase aid to airports based on sales tax increase on aviation fuel, equipment and parts (5955-3000)	2,666,666		
(Page 53-57)			
DEPARTMENT OF TRANSPORTATION			
Highway Fund			
Reductions:			
1. Eliminate 3 Special Assistants for Regional Affairs, 3 Secretary IV positions and travel ($10,000). (0190 - Various)	-	-	($295,000)
2. Reduce contract resurfacing (5241).	(15,000,000)		
3. Reduce small urban construction funds allocated by members of the Board of Transportation (5131).	(1,000,000)		
4. Reduce Spot Safety funds due to increase in federal-aid for safety projects. (5171)	(2,000,000)	(2,000,000)	(1,000,000)
5. Reduce state match for federal funds. Use Highway Trust Fund to match federal projects. (5601)	(18,000,000)	-	(18,000,000)
6. Reduce Ferry Division operations based on findings of the State Auditor's performance and financial audit. (3160 - various)	(1,000,000)	(1,000,000)	(750,000)
7. Reduce salary and benefit reserves			
- merit salary increments (6710)	(86,143)		
- hospital/medical increase (6723)	(2,675,722)		
- salary adjustment fund (6802)	(59,344)		
8. Reduce Highway Patrol budget for elimination of motor fuel tax on state agency purchases. (6270). Included in JPS report.	(603,913)		
9. Reduce salary reserve in Transportation Administration and Operations (84210 and 84220)	-	(200,000)	-
10. Reduce Secondary road maintenance. (5221)	(559,204)		(559,204)
11. Increase secondary road construction based on 1 3/4 cents of the estimated Motor Fuels Tax. (5121)	446,402		
12. Increase state-aid to municipalities (Powell Bill) based on 1 3/4 cents of the estimated Motor Fuels Tax. (5910)	446,402		

H.B. 1340 (Proposed Conference Committee Substitute—4286)
Highway Fund (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
Expansion:			
13. Increase budget for telephone line charges paid to SIPS due to increased use of computer systems in DOT field units. (0220-2322)	750,000		
14. Continue development of a new financial accounting and reporting system. This phase of the project will include purchasing, accounts payable, budgetary control, and financial controller modules. (0220)	2,944,922		
15. Fund the hardware and software for new Driver Licensing Computer System. (0510)	2,948,600		
16. Supplement funding for the design of new vehicle registration system. $458,000 is already appropriated. (0510)	550,000		
17. Increase funds for vehicle registration plates and stickers. The increase restores half of a cut made by the 1991 General Assembly. (0520-2443)	100,000		
18. Increase the Driver's License telecommunications budget for payment to SIPS due to increased computer time for the Commercial Drivers License program, and for shared charges previously paid for by the department's computer division. (0530-2322)	240,000		
19. Increase line for rent of Drivers License photo equipment due to increase in contract with the Polaroid Corporation. (0530-2524)	77,000		
20. Increase rental line for Driver License Offices to help fund 7 express offices and 4 regular offices. (0530-2330)	57,000		
21. Increase in-state transportation due to a 5 2" per mile increase in Motor Fleet Management rates and for an increase in the number of vehicles used. (0570-2237)	280,000		
22. Create reserve for salary increase for Highway Fund employees.	7,045,254	7,045,254	7,045,254
23. Increase transfer to General Fund for reimbursement of sales tax exemption.	700,000		
24. Air Cargo Authority.	2,500,000	2,500,000	-
NET CHANGE	(21,898,746)	6,345,254	(13,558,950)

H.B. 1340 (Proposed Conference Committee Substitute—4286)
Highway Fund (Continued)

	1992-93		
		Disagreed	
	Agreed	Senate	House
Other Adjustments:			
25. Transfer funds from the Equipment Fund for expansion items and to help with revenue shortfall.	8,899,254	10,000,000	7,354,254
26. Use estimated credit balance at the end of FY 91-92 for expansion items and to help with revenue shortfall.	5,400,000		
27. Use cash flow of contract resurfacing funds for expansion items and for revenue shortfall.		- 17,258,458	-

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HIGHWAY TRUST FUND

A net increase in Highway Trust Fund revenue is apportioned according to formula established in G.S. 136-176(b) as follows:	
Intrastate System (61.95%)	2,800,081
Secondary Road Construction (6.5% + fees)[1]	1,113,365
Urban Loops (25.05%)	1,207,661
State Aid - Municipalities (6.5%)	313,365
Program Administration (4.5%)[2]	(434,472)
	$5,000,000

[1] Secondary roads receive half of the revenue deposited into the Trust Fund from increased title fees.

[2] Program administration receives its percentage "off the top" before a distribution is made to the other categories.

SUMMARY OF BILLS AND RESOLUTIONS REMAINING IN THE SENATE TO BE TRANSFERRED TO ARCHIVES AND HISTORY 1991 SESSION

The following bills and resolutions remained in the Senate upon adjournment *sine die* and shall be transferred to the Division of Archives and History of the Department of Cultural Resources upon adjournment *sine die* of the 1993 General Assembly in accordance with G.S. 120-37(f).

Bill No.	Short Title	Identical Bill/Last Action
AGRICULTURE, MARINE RESOURCES AND WILDLIFE		
SB 497	Edgecombe Fox Trapping	
SB 499	Onslow Hunting Safety	(Id—H 659/Ch. 435)
SB 702	Turfgrass/Forage Assessment	(Id—H 633/H ppi)
HB 832	Prohibit Impaired Hunting	
ALCOHOLIC BEVERAGE CONTROL		
SB 25	Local Officers-Insp. ABC Premises	(Id—H 94/Unfav)
SB 387	ABC - Local Government Objections	
SB 478	Zoning Denial/ABC Permit	
SB 614	Atlantic Beach Public Beer Possess.	
SB 1074	ABC - Private Club Special Permit	
SB 1276	Alcohol Tax Civil Penalties	
HB 156	Winston-Salem Public Beer Possess	
APPROPRIATIONS		
SJR 13	Continue LRC Study on Groundwater Resources	
SB 14	County Clean-Up Funds	(Id—H 17/H ppi)
SB 15	Youth Fitness Study	(Id—H 18/Ch. 650)
SB 18	Domestic Violence Funds	(Id—H 91/H ppi)
SB 19	Youth Suicide Prevention Funds	(Id—H 90/H ppi)
SB 21	Fire Pension Benefits Increased	(Id—H 29/H ppi)
SB 45	Rehabilitation Facilities Funds	(Id—H 26/H ppi)
SB 53	Repair Budget Item	(Id—H 43/H ppi)
SB 54	State Facility Assessment Funds	(Id—H 42/H ppi)
SB 55	Fort Fisher Funds	
SB 64	Continue State Personnel Study Comm.	(Id—H 109/H ppi)
SB 65	Medical Malpractice Arbitration Study	(Id—H 120/H ppi)
SB 74	State Pay Supp. for Military	
SB 76	In-Home Funds	
SB 77	Long-Term Care Ombudsman/Funds	(Id—H 73/H ppi)
SB 78	Transportation Appropriations	(Id—H 74/H ppi)
SB 79	Alzheimer's Association/Funds	(Id—H 145/H ppi)
SB 85	Auth. LRC to Study Surface Water	
SB 86	Railroad Advisory Comm.	(Id—H 57/H ppi)
SB 97	Master Application	
SB 120	AFDC Increase/Cost of Living	
SB 125	Higher Education Encouragement	(Id—H 151/H ppi)
SB 127	Equity in Education Funding	(Id—H 150/H ppi)
SB 132	N.C. Park Authority	
SB 133	Resort State Parks	
SB 137	Funds for Parks Planning Staff	
SB 138	Early Ed./Handicapped/Funds	(Id—H 205/H ppi)
SB 140	Medicaid Eligibility/Disabled, Aged	
SB 143	Contin. Study Solid & Medical Waste Mgmt.	

Summary of Bills/Resolutions Remaining in the Senate
APPROPRIATIONS—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	152	Index Homestead Exemption	
SB	162	Environmental Specialist Funds	
SB	163	Develop Social Services Plan	
SB	173	Future Strategies Comm. Membership	
SB	175	Homelessness Prevention/Funds	
SB	180	Economic Development Funds	(Id—H 187/H ppi)
SB	184	Fayetteville Tech. Equip. Funds	(Id—H 178/H ppi)
SB	186	Franklin Water & Sewer Funds	
SB	192	Homeless Grant/Funds	
SB	201	Randleman Reservoir Funds	(Id—H 227/H ppi)
SB	202	Funds for Summer School Programs	(Id—H 201/H ppi)
SB	203	Worker Training Study	(Id—H 170/H ppi)
SB	204	Worker Training Trust Fund	
SB	211	Tobacco Museum Funds	
SB	217	DOA Procurement Position	
SB	220	Hiring Freeze	
SB	221	Mayo Feasibility Study Funds	
SB	222	Piedmont Agricultural Ctr. Funds	
SB	224	Myrover-Reese Mental Health Funds	
SB	229	Study Solid Waste Advance Disposal Fee	
SB	235	Mecklenburg Asst. DAs/Funds	(Id—H 560/H ppi)
SB	246	Educ. Facil. Research Lab. Funds	
SB	247	"Uplift" Pilot Project Funds	
SB	248	Firemen/Rescue/Law Death Benefit	
SB	252	Per Diem/Priv. Prot. Svcs.	
SB	256	Veterans Cemetery Funds	(Id—H 256/H ppi)
SB	259	State Ethics Code	
SB	265	Prison Bond Appropriations	(Id—H 311/H ppi)
SB	266	Free Vaccines/Health Care	
SB	271	Minority/Handicapped Adoption Funds	(Id—H 864/H ppi)
SB	275	Nursing Ed. and Training Funds	(Id—H 313/H ppi)
SB	276	Nursing Study Comm'n Cont'd.	(Id—H 312/H ppi)
SB	285	Housing Trust Fund/Funds	(Id—H 272/H ppi)
SB	300	Western Carolina Center Funds	(Id—H 393/H ppi)
SB	301	Agric. Finance Auth. Funds	(Id—H 415/H ppi)
SB	302	TIP - Secondary Roads	
SB	309	Agriculture Marketing Funds	(Id—H 337/H ppi)
SB	310	Mammogram/Pap Smear Coverage	(Id—H 347/Ch. 490)
SB	322	Veteran's Children's Scholarships	
SB	323	Amend Veteran Children's Scholarships	
SB	327	MH/DD/SA Services Funds	
SB	328	Public Education Funds	
SB	345	Wilderness Camping Funds	(Id—H 629/H ppi)
SB	351	Register of Deeds Pension Changes	(Id—H 414/Ch. 443)
SB	355	Public Records Law/LRC Study	
SB	367	Public Health Study	(Id—S 407/S Rules; see Ch. 754 H 476/H ppi; see Ch. 754)
SB	374	Civil Justice Act Funds	
SB	375	Jails Recommendation/Funds	(Id—H 429/H ppi)
SB	378	NC Rural Water Assoc. Funds	

Summary of Bills/Resolutions Remaining in the Senate
APPROPRIATIONS—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	388	Advanced Placement Funds	
SB	406	Underground Storage Tank Program Funds	(Id—H 529/H ppi)
SB	421	Employment & Training Program	(Id—H 459/H ppi)
SB	428	Creating Agency/Effect on DOJ	
SB	441	School Admin. Training/Cert.	
SB	442	Legislative Retirement Option	
SB	445	MHSC/MH/DD/SA Services Funds	(Id—H 531/H ppi)
SB	467	Trust Fund Administrative Expenses	
SB	482	UNC Capital Projects	(Id—H 491/Ch. 657)
SB	504	Beaufort Community College Funds	
SB	517	Lenoir County Arts Ctr. Funds	
SB	547	Pender Referendum	
SB	552	Senior Citizen's Fed. Funds	
SB	568	Cape Fear C.C. Funds	(Id—H 768/H ppi)
SB	582	Travel & Tourism Advertising	
SB	595	Access to Health Insurance Study	
SB	637	School Achievement Grants	
SB	641	UNC-CH Name Change	
SB	644	Grants for Private Child-Caring	
SB	647	UNC Fiscal Accountability	
SB	651	Local Confinement Med. Services	
SB	653	Business Incubator Funds	
SB	666	Statewide Performance Audit	
SB	671	Airport Bond Enhancement Funds	
SB	672	Airport Fire Suppression Funds	
SB	674	Computer Services Study	
SB	676	Lease Purchase Computers/Schools	
SB	677	Retirees' Guaranteed Returns	
SB	681	Worker's Comp/May Select Doctor	
SB	687	Motor Vehicle Towing Study	
SJR	698	Studying Limiting Leg. Sessions	
SB	704	Geography - Based Curriculum Funds	
SB	708	Domiciliary Home Rate Increase	(Id—H 859/H ppi)
SB	735	Dom. Care Assistance Eligibility	
SJR	736	Auth. Study Comm. Rev's. Arson Statutes	
SB	737	Medicaid State/Federal Coord.	(Id—H 996/Ch. 388)
SB	756	AIDS Testing	
SB	761	Cost of Living Increase Priority	(Id—H 907/H ppi)
SB	772	T.V. Testimony	
SB	784	Crime Statistics/Higher Ed.	
SJR	789	LRC Study/Conservation of Energy	
SB	805	Raise School Attendance Age	
SB	808	Cities-in-Schools Program Funds	
SB	813	Study Env. Policy Act/Landfills	
SB	819	Tourism's Growth & Effect Study	
SB	820	Museum of Cape Fear Funds	
SB	826	State Personnel Supervisory Training	
SB	833	General Fund Budget Reform	
SB	837	Additional Inventory Reimbursement	(Id—H 1133/H Fin)
SJR	839	LRC Study Salary Inequities	
SB	841	Additional Budget Funds	
SB	843	NC Museum of History Funds	(Id—H 1143/H ppi)

Summary of Bills/Resolutions Remaining in the Senate
APPROPRIATIONS—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	844	Coastal Boating Guide Funds	
SB	846	National Guard Allowance	
SB	847	CBA Funds	
SB	849	MR/DD Services Funds	
SB	850	HUD Homes' Funds	
SB	851	ECU Land Funds	
SB	852	ECU Library Funds	
SB	853	A&T/Architecture School	
SB	854	ADAP/Southeastern Funds	(Id—H 1144/H ppi)
SB	855	Braille/Special Ed.	
SB	856	Discovery Place Funds	
SB	857	High-Risk Elderly Funds	
SB	858	ECU Regional Center Funds	
SB	859	Transylvania Dispute Settlement	
SB	860	Child Abuse Prevention Center Funds	
SB	861	Fund Aging Study	
SB	862	Regional Historic Attraction Funds	(Id—H 1156/H ppi)
SB	864	Milk Sanitation Funds	
SB	865	Cumberland MH Facility Funds	(Id—H 1176/H ppi)
SB	866	Small School System Supp. Funding	
SB	867	Maternity Home Funds	(Id—H 1194/H ppi)
SB	868	OSHA Funds	
SB	871	Head Start Funds	(Id—H 1147/H ppi)
SB	872	Inactive Haz. Sites Funds	(Id—H 1188/H ppi)
SB	873	HUD MH/DD Group Homes Funds	
SB	874	United Cerebral Palsy Funds	
SB	875	BOOST Funds	(Id—H 1148/H ppi)
SB	877	State Accounting System Funds	
SB	878	Infant Mortality Funds	(Id—H 1184/H ppi)
SB	880	Divide District Court 3	(Id—H 1197/H ppi)
SB	881	Shakespeare Festival Funds	(Id—H 1218/H ppi)
SB	882	Eastern Music Festival Funds	
SB	883	Apiculture Support/NSCU & NCDA	(Id-H 1174/H ppi)
SB	890	Tax Automation Funds	
SB	894	Summit House Funds	
SB	895	Modify Natural Heritage Fund	
SB	896	Rocky Mt. School Funds	
SB	898	Buncombe Appropriations	(Id—H 1247/H ppi)
SB	900	Cumberland Senior Funds	
SJR	902	LRC Study on EMS Issues	
SB	903	Andrew Jackson Memorial Funds	
SB	904	Forestry Trucks Funds	
SB	905	NC Air Cargo Airport Ath'y Funds	(Id—H 1207/H ppi)
SJR	906	LRC Study NC RRs	(Id—H 1226/H ppi)
SB	907	Henderson Appropriations	(Id—H 1212/H ppi)
SB	911	Child Support Funds	
SB	914	N.C. 4-H Camp Operation Funds	(Id—H 1228/H ppi)
SB	915	Education Program Funds	(Id—H 1246/H ppi)
SB	916	Uplift, Inc. Funds	
SB	919	First Flight Incubator System	
SB	920	Indian Cultural Center Funds	
SB	921	Folkmoot/District 29 Funds	

Summary of Bills/Resolutions Remaining in the Senate
APPROPRIATIONS—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	923	Compost/Research Demonstration Project	
SB	924	Septic Tank Funds	(Id—H 1271/H ppi)
SB	925	Dom. Vio./Sexual Assault Funds	
SB	926	Bond Referendum Funds	
SB	929	OSP Unemployment Funds	
SB	931	Budget Changes	
SB	932	Statewide Funds	
SB	937	4-H Curriculum Support Funds	(Id—H 1229/H ppi)
SB	939	Thomas Day Home/Workshop Funds	
SB	941	Economic Development Funds	
SB	944	Omnibus Courts Bill	(Id—H 1287/Ch. 742)
SB	945	State Corr. Ed. Dep. Study/Funds	
SB	946	LRC Study E.M. Program	
SB	948	Pitt CC Funds	
SB	955	LRC Study Law Enf. Issues	
SB	979	OSHA Inspector Funds	(Id—H 1384/H ppi)
SB	988	Safety and Health Fund	(Id—H 1385/H ppi)
SB	1001	NCSU Waste Facility	(Id—H 1383/H ppi)
SB	1002	New Hanover Detent. Trans./Funds	(Id—H 1422/H ppi)
SB	1005	Autism Camp & Center Funds	(Id—H 1348/H ppi)
SB	1006	Autism Summer Camp Funds	(Id—H 1347/H ppi)
SB	1008	Summit House Funds	(Id—H 1342/H ppi)
SB	1010	Electronic Funds Transfer	
SB	1017	Eastern NC Equine Facility Funds	(Id—H 1380/H ppi)
SB	1021	Medicaid Mammogram Funds	(Id—H 1586/H ppi)
SB	1022	Southeastern Market Funds	(Id—H 1401/H ppi)
SB	1027	Teacher Training Task Force	(Id—H 1357/Ch. 971)
SB	1029	Rowan-Salisbury Career Dev. Funds	(Id—H 1397/H ppi)
SB	1030	Env. Research & Policy Center	(Id—H 1399/H ppi)
SB	1037	Increase/Adjust Retire. Formula	(Id—H 1404/ S Pens&Ret)
SB	1038	Rest Home Increase/Funds	(Id—H 1374/H Rules)
SB	1039	Child Fatality Task Force Funds	(Id—H 1448/H ppi)
SB	1043	Magistrates' Service Pay	
SB	1044	General Assembly TV	(Id—H 1427/H ppi)
SB	1047	Children/Special Needs Funds	
SB	1055	MHSC/MH/DD/SA Services Funds	(Id—H 1416/H ppi)
SB	1056	Seafood Laboratory Funds	(Id—H 1368/H ppi)
SB	1057	Shellfish Enhancement Funds	(Id—H 1370/H ppi)
SB	1059	4-H Curriculum Support Funds	(Id—H 1558/H ppi)
SB	1060	N.C. 4-H Camp Operation Funds	(Id—H 1559/H ppi)
SB	1064	Funds for Ag. Ed. Dept. Transfer	(Id—H 1333/H ppi)
SB	1065	Funds/Research & Extension Center	(Id—S 1171/H ppi Id—H 1336/H ppi)
SB	1067	National Guard Allowance	
SB	1071	Agronomic Facility Funds	(Id—H 1413/H ppi)
SB	1075	EIA Control Funds	
SB	1080	Infant Mortality Programs/Funds	(Id—H 1506/H ppi)
SB	1083	Nurse Anesthetist Funds	(Id—H 1541/H ppi)
SB	1086	UNC Wilmington/MCNC Funds	(Id—H 1476/H ppi)
SB	1091	Morehead Port Deepening Funds	
SB	1093	Capital Appropriations/1992	

Summary of Bills/Resolutions Remaining in the Senate
APPROPRIATIONS—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	1095	Operations Appropriations/1992	
SB	1097	Appropriations/Revenue/1992	
SB	1098	UNC Private Colleges Aid Funds	
SB	1102	Worker Training Trust Fund	
SB	1104	Budget Clarifications	(Id—H 1514/S Held—Clks. Ofc.)
SB	1108	Create Study Comm./Prim. Care Physicians	(Id—H 1564/H Rules)
SB	1109	Rural Health Recruitment Fund	
SB	1110	ASU/MCNC Funds	(Id—H 1472/H ppi)
SB	1112	Major Event Traffic Control Funds	
SB	1114	Sheriffs' Pension Fund Changes	
SB	1119	Grape Promotion Funds Nonreverting	
SB	1130	Magistrates' Salary Change, Funds	
SB	1139	Study Requirement/Full Cost/Non-Resident	(Id—H 1360/H Rules)
SB	1140	School Testing Program Funds	(Id—H 1459/H ppi)
SB	1144	Grassroots Science Museum Funds	(Id—H 1433/H ppi)
SB	1145	Economic Dev. Funds	(Id—H 1538/H ppi)
SB	1157	State Veterans Home	(Id—H 1599/H ppi)
SB	1164	Triad Farmers Market Funds	
SB	1167	State Health Plan Prescriptions	
SB	1170	Eastern NC Job Training Funds	(Id—H 1612/H ppi)
SB	1171	Funds/Research & Extension Center	(Id—S 1065/S Appr Id—H 1336/H ppi)
SB	1172	Murdoch Center Capital Funds	
SB	1173	Diploma Nursing Program Funds	(Id—H 1526/H ppi)
SB	1178	State Employees' Retirement Change	
SB	1189	Natural SCiences Museum Funds	(Id—H 1637/H ppi)
SB	1190	Displaced Homemaker Center Funds	(Id—H 1484/H ppi)
SB	1191	NC Equity Funds	(Id—H 1620/H ppi)
SB	1192	Tobacco Museum Funds	
SB	1196	Budget Reform Act of 1992	
SB	1199	Henderson County Funds	
SB	1203	Funds for Pesticide Program	
SB	1204	Meat/Poultry Inspection Funds	
SB	1207	World Trade Center Funds	
SB	1211	Sch. Site-Based Management Funds	
SB	1212	Costal Area Funds-2	
SB	1213	Restore Local Gov't Earmarking	
SB	1214	NCSU Greenhouse Funds	
SB	1215	St. Marks Center Funds	
SB	1218	Air Cargo Amendments	
SB	1219	LLRW Local Review Committee Funds	(Id—H 1608/H ppi)
SB	1220	Name New Revenue Building	
SB	1224	UNC Capital Projects	(Id—S 1154/Ch. 1012)
SB	1226	State Health Plan	
SB	1227	Instructional Support Funds	
SB	1228	Meadowview/Murdoch ICF/MR Funds	
SB	1230	Criminal Case Disposition Study	(Id—H 1633/H Rules)
SB	1231	School Critical Needs Funds	
SB	1236	Study Sex Offender Treatment	
SB	1237	Complete S Corporation Loss Relief	
SB	1238	Clean Water Bond Bill	

Summary of Bills/Resolutions Remaining in the Senate
APPROPRIATIONS—Continued

Bill	No.	Short Title	Identical Bill/Last Action
SB	1239	Mental Health Bond Bill	
SB	1240	Public School Building Bond Act	
SB	1242	University Improvement Bond Act	
SB	1246	Wilmington Harbor Study Funds	
SB	1247	St. Info. Management Tech.	
HB	36	Construction Audit Follow-Up	
HB	176	Legislature Sets Contract Agent Fees	(Id—S 146/H Transp)
HB	364	Voc. Rehab. Trans. Vehicles	
HB	384	UNC Hospitals' Financial Flexibility	
HB	473	Public Library Policies	
HB	870	Mandatory Voter ID	
HB	875	Corrections Fiscal Notes	
HB	1053	School Emp. Ass'n/Payroll Deduct	
HB	1547	Public Use of the Beach	

BANKS AND THRIFT INSTITUTIONS

SB	35	Bad Checks/No Checking Account	
SB	36	Bad Check Tax for Schools	
SB	174	Credit Card Deregulation & Banks	(Id—H 242/H Unfav)
SB	196	Int. Rates Revol. Credit	(Id—H 155/H Unfav)
SB	709	Interest on Escrow Accounts	
SB	711	Fees/Commercial Loans	(Id—H 869/Ch. 506)
SB	757	Property Exemptions	(Id—H 1103/H ppi)

CONSTITUTION

SB	6	Limit Legislative Terms	
SB	8	Term Limitations	
SB	105	Indemnify Tax Official	
SB	156	Veto	(Id—H 3/H ppi)
SB	191	Governor/Council of State Terms	
SB	233	Veto - 2	
SB	318	School Superintendent Appointed	
SB	806	Public Educ. Governance	
SB	879	Limit Congressional Terms	
SJR	918	Repealing Convention for Balanced Budget	

Executive Order

145	Reallocating the Community Penalties Program from the Department of Crime Control and Public Safety to the Department of Correction
146	Supplementing Executive Order Number 145, Reallocating the Community Penalties Program from the Department of Crime Control and Public Safety to the Department of Correction

ECONOMIC DEVELOPMENT

SB	489	Economic Development Study	
SB	747	N.C. Economic Future	
SB	793	General Fund Budget Growth	
SB	1180	Conover Future Revenues	(Id—H 1535/Ch. 799)

EDUCATION

SB	3	School Improvement Act	
SB	29	School Counselor Services	(Id—H 92/H ppi)

Summary of Bills/Resolutions Remaining in the Senate

EDUCATION—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	168	BEP SB2/Blank Bill	
SB	169	School Construction Bonds	
SB	170	Social Serv. Equity Funding	
SB	171	Small School Funds/Blank Bill	
SB	172	Drivers Education/Blank Bill	
SB	188	School Equity Funds/Blank Bill	
SB	242	Montgomery School Board Districts	
SB	435	Block Grant Funding/Local Schools	(Id—H 538/H ppi)
SB	443	Textbook Disposal Rules	(Id—H 333/Ch. 328)
SB	446	Student Achievement Act/1991	(Id—H 496/H ppi)
SB	463	Low Performing School Units	(Id—H 493/Ch. 529)
SB	559	Henderson School Units	
SB	610	Halifax School Terms	(Id—H 676/Ch. 97)
SB	720	School Equity Funds	(Id—H 938/H ppi)
SB	748	Teacher Input/School Plans	(Id—H 828/H Educ)
SB	1024	Educational Leadership Task Force	(Id—H 1361/Ch. 869)
SB	1025	Ensure Adequate Textbook Funds	(Id—H 1362/H ppi)
SB	1049	Mecklenburg School Pay Date	(Id—H 1372/Ch. 770)
SB	1099	Edgecombe School Districts	
SB	1128	School Transp. System Penalty	
SB	1217	Mecklenburg School Waiver	
HB	47	Make Schools Safer	
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ELECTION LAWS

SB	231	High Point Elections	(Id—H 244/Ch. 40)
SB	313	Election Results Filing	(Id—H 324/Ch. 428)
SB	1045	Burgaw Mayor Term	(Id—H 1440/Ch. 823)
SB	1092	Carteret School Elections	(Id—H 1405/Ch. 774)
HB	655	Election Amendments	

ENVIRONMENT AND NATURAL RESOURCES

SB	207	Delay Implement. Haz. Waste Inspectors	(Id—H 228/Ch. 20)
SB	239	Mining Permit Amendment	
SB	390	Amend Def. Commercial/Haz. Waste	(Id—H 412/Ch. 286)
SB	409	Increase Air Quality Civil Penalty	(Id—H 413/Ch. 609)
SB	418	Low-Level Rad. Waste Amends.	(Id—H 507/ H Env-Haz)
SB	454	Sedimentation Stop-Work Orders	(Id—H 448/Ch. 412)
SB	456	Sedimentation Control Amendmts - 2	(Id—H 449/Ch. 275)
SB	513	S.E. Compact/Third Host State	(Id—H 644/ H Failed 2nd)
SB	514	LLRW Disposal Facility Siting	(Id—H 643/H ppi)
SB	515	S.E. Compact Commissioner/Host County	(Id—H 645/ H Failed 2nd)
SB	554	Erosion Control for Railroads	
SB	608	County Permits for Haz. Waste	
SB	781	Reduce CFC Emissions	
SB	786	Haz. Waste Management - 1	
SB	787	Haz. Waste Management - 2	
SB	795	Amend Def. Commercial Tank	(Id—H 1074/ H Env-Wat)

Summary of Bills/Resolutions Remaining in the Senate
ENVIRONMENT AND NATURAL RESOURCES—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	827	Temporary Erosion Control Permit	
SB	901	Used Oil Disposal Tax	
SB	909	Clean Air Act Implementation	
SB	922	Haz. Materials Response Teams	(Id—H 1210/H ppi)
SB	1151	Union/Contaminated Soil Disposal	
SB	1188	DEHNR/Voluntary Remedial Actions	
SB	1201	Third-Party Env. Permit Notice & Appeal	(Id—H 1602/H Jud II)
HB	25	Comm. Serv. for Remitted Fines	
HB	136	Solid Waste Incinerator Bans	
HB	541	Disclosure of Env. Limitations	
HB	572	Amend. Inactive Sites Prgm. Reg	(Id—S 377/Ch. 281)
HB	1068	Radioactive Waste Disposal	

FINANCE

SB	5	Restructure Budget Process	
SB	37	Infrastructure Bond Bill	
SB	48	Airport Authority Security Interests	(Id—H 126/Ch. 741)
SB	49	Refine Use Value Limitations	
SB	66	Ports Authority/No Sales Tax	(Id—H 115/H ppi)
SB	88	1991 Current Operations/Expansion/Capital	(Id—H 83/Ch. 689)
SB	89	Change Parties Funds	
SB	94	Repeal Candidates Fund	
SB	96	Merchants' Sales Tax Discount	(Id—H 245/H Fin)
SB	98	Public Transit Parking Tax	(Id—H 81/H Transp)
SB	99	Public Transit Rental Vehicle Surtax	(Id—H 80/Ch. 666)
SB	106	Child Care Credit/Nonresidents	
SB	113	Nonresident Joint Returns	
SB	115	Simplify Business License Tax	
SB	129	Water Transfer Permits	(Id—H 125/ H Env-Wat)
SB	135	Pilot Park Entrance Fees	
SB	147	Use Value for Plants in Containers	
SB	167	Clay/Graham/Swain Fee Collection	
SB	195	Education Improvement Fund Tax Credit	
SB	210	Conform Tax Refund Period	
SB	215	ECU Receipt Fund Use	
SB	255	Military Tax Filing Extension	(Id—H 306/S Fin)
SB	264	Dietetics/Nutrition Practice Act	(Id—H 564/Ch. 668)
SB	268	Highway Use Tax Exemptions	
SB	317	Glenville Charter	
SB	352	DOT - Underground Tanks	
SB	431	Law Enforcement Training Improvements	
SB	453	Stormwater Utilities	(Id—H 501/Ch. 591)
SB	461	Franklin Solid Waste Fees	
SB	466	ECU Capital Project	(Id—H 490/Ch. 590)
SB	480	Mecklenburg Admissions Tax	
SB	481	WSSU Capital Project	(Id—H 488/Ch. 589)
SB	484	High Point Occupancy Tax	(Id—H 609/H Fin)
SB	487	Iredell Solid Waste Fees	
SB	496	Holly Ridge Solid Waste Fee	(Id—H 593/H Fin)
SB	500	Chapel Hill Admissions Tax	
SB	579	Lease-Purchase of State Property	
SB	600	Wake Occupancy/Meals Tax	

Summary of Bills/Resolutions Remaining in the Senate
FINANCE—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	601	Wake Additional Revenue Sources - 1	(Id—H 703/Ch. 594)
SB	602	Wake Additional Revenue Sources - 2	(Id—H 704/H ppi)
SB	603	Wake Additional Revenue Sources - 3	(Id—H 705/H ppi)
SB	604	Wake Additional Revenue Sources - 4	(Id—H 706/H ppi)
SB	605	Wake Additional Revenue Sources - 5	
SB	609	Macon Fire Fees	
SB	625	Warren Land Transfer Tax	
SB	673	Aircraft Maintenance Equip/Sales Tax	(Id—H 718/H Fin)
SB	691	No Highway Tax on School Busses	(Id—H 986/H Fin)
SB	701	N.C. Aquariums	(Id—H 888/S Fin)
SB	712	Practicing Pastoral Counselors	(Id—H 881/Ch. 670)
SB	730	Air Cargo Facility Bonds	
SB	753	1991 Current Operations	
SB	776	Tax Revenues	
SB	777	Fees for Additional Revenue	
SB	785	Special Obligation Bonds	
SB	803	Solid Waste Bond Payment Change	
SB	823	Inheritance Tax Interest Deduction	
SB	825	Allow New Inheritance Tax Credits	
SB	838	Government Retiree Tax Withholding	
SB	840	Fund for Children & Families	
SB	845	Local Fiscal Accountability & Autonomy	
SB	848	Conform QTIP Provisions	
SB	869	Manufactured Home Sales Tax	
SB	870	Low Income Housing Exemptions	
SB	884	Severance Tax	
SB	887	Taxation	
SB	888	New Revenues	
SB	889	Tax Laws	
SB	891	Revenue to Balance Budget	
SB	892	Deed Tax/Natural Heritage Fund	
SB	897	Bonds for State Ports	
SB	912	Reduce Cosmetology Fees	
SB	933	Property Tax Payment Date	
SB	936	Deficit Reduction Surtax	
SB	938	Continuance Court Cost Fee	
SB	940	Extend Loss Deduction Carryover	
SB	942	Raise Admissions Tax/Libraries	
SB	951	Contribute Refund for Teachers	
SB	1070	Allow Jobs Tax Credit For Good Jobs	
SB	1118	Debt Payment Agent Tax Changes	
SB	1132	No Second Trade Show License	
SB	1136	Community Water System Fees	(Id—H 1315/ H Env-Wat)
SB	1137	Clean Water Bond Bill	(Id—H 1317/H Fin)
SB	1141	Pitt Rescue/EMS Protection Districts	(Id—H 1504/Ch. 872)
SB	1148	Utilities Fee/Transfer	
SB	1163	Expand Gas Tax Refund	
SB	1225	Economic Recovery Act of 1992	
SB	1267	Local School Funds Premerger	
HB	12	Update I.R.C Reference	
HB	163	N.C. Tax Incentive	(Id—S 67/Ch. 977)

Summary of Bills/Resolutions Remaining in the Senate

FINANCE—Continued

Bill	No.	Short Title	Identical Bill/Last Action
HB	232	No Tax Rollback on Condemnation	
HB	306	Extend Military State Tax Filing Date	(Id—S 255/S Fin)
HB	591	Rockingham Occupancy Tax	(Id—S 469/Ch. 322)
HB	641	Bid Limits/Alamance Courthouse	
HB	765	Durham Cnty - Impact Fees	
HB	888	Lobbying Fees	
HB	1255	DHR License Fees/DOC Drug Fees	
HB	1444	Public Transit Tax Refund	(Id—S 972/Ch. 814)

HIGHER EDUCATION

SB	59	Public Higher Ed. Access	
SB	199	Education Improvement Act	(Id—H 2/H ppi)
SB	262	Personnel Issues/Comm. Colleges	(Id—H 569/Ch. 84)
SB	278	Nursing Shortage Remedies	(Id—H 314/Ch. 550)
SB	1138	Resident Tuition Status	(Id—H 1358/H Educ)
HB	302	Applied Textile Tech. Center Created	(Id—S 280/Ch. 184)

Executive Order

156 Establishing the North Carolina Committee on Literacy and Basic Skills and Rescinding Executive Order Number 90, Governor's Advisory Council on Literacy

HUMAN RESOURCES

SB	159	Rest Home Due Process	
SB	251	Group Purchasing by State Facilities	
SB	718	Birth Impairment Fund	(Id—H 546/H Courts)
SB	738	Radiation Tech. Practice Act	
SB	908	Increase Medicaid Reimbursement	(Id—H 1215/H ppi)
SB	950	State Child Protection Act/Funds	
SB	1179	Social Services Plan 1 Funds	(Id—H 1532/H ppi)
SB	1185	Rest Home Moratorium	(Id—H 1523/H Rules)
HB	96	Advance Directive/Health Care Decisions	
HB	627	Health Services Commission/Public Members	
HB	872	Gas Service for Handicapped	

Executive Order

148 Governor's Task Force on Health Objectives for the Year 2000

INSURANCE

SB	60	No Increase for Paid Accidents	
SB	160	Ins. Reimb. to Psychiatric Nurses	
SB	311	Continuing Care Amendments	(Id—H 483/Ch. 196)
SB	331	Health Ins. Reform Blank Bill	(Id—H 432/H ppi)
SB	332	Ins. Coverage Termination Crimes	(Id—H 430/H ppi)
SB	334	TPA Law Rewrite	(Id—H 482/Ch. 627)
SB	335	MEWA Regulation	(Id—H 433/Ch. 611)
SB	494	Increase MV Liability Limits	(Id—H 826/Ch. 469)
SB	571	Small Employer Group Health Ins. Act.	(Id—H 761/ H Commerce)
SB	633	Accident Preven. Course Reduction	
SB	675	Regulate Nongov. Home Inspectors	
SB	683	Underwriting Assn. Directors	

Summary of Bills/Resolutions Remaining in the Senate

INSURANCE—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	797	Small Employer Group Health Reform	(Id—H 1037/Ch. 630)
HB	922	Lienholder Notified - Prop. Settle	

JUDICIARY I

SB	38	No "Stacking" of UIM Insurance	(Id—H 615/ H Commerce)
SB	261	Private Execution Sales	
SB	272	Fire/Rescue Good Samaritan Act	
SB	305	No Adverse Possess. Against State	
SB	394	Renunciation Technical Amendment	
SB	416	Attorneys' Fees for Homes	
SB	468	Lewd Films/Nuisance	
SB	598	Expenses in Code Actions	
SB	626	Uniform Fraudulent Transfer Act	
SB	668	Amend Compensation Measure	
SB	693	Change Eviction Periods	
SB	695	International Commercial Arbitrations	(Id—H 991/Ch. 292)
SB	743	No Delivery of Unsolicited Checks	
SB	815	Consent for Minor's Abortion	
SB	1062	Limit Farmer Liability	(Id—H 1335/Ch. 868)
HB	305	Amend Armed Robbery	
HB	935	Architects Claims	
HB	974	No Credit Card Number on Checks	
HB	1026	Arbitration/Similar Actions	
HB	1082	Landowner Protection	
HB	1488	Hertford Co./Modify Litter Law	
HB	1647	Enabling Flag Display	

JUDICIARY II

SB	33	Car Damage Discl. Reqmnts	
SB	200	Emancipation By Parents	
SB	212	Mecklenburg/Fund Assist DAs	(Id—H 270/H ppi)
SB	216	Child Support/Tax Intercept	
SB	254	License Revoked - Drug Offenses	
SB	258	Drug Traffic Sentencing Changes	
SB	279	Electronic Surveillance	
SB	296	Determine Source of Bail Bond	
SB	297	Speeding Punishment Increased	
SB	298	Seat Belts/Criminal Prosecution	
SB	361	Additional Aggravating Factors	
SB	365	"Dependent Child"/IV - D Change	
SB	366	Marijuana Trafficking	
SB	379	State Misdemeanant Fingerprinting	
SB	381	Nontestimonial Juv. Records	
SB	382	Paternity Suit/Proof	(Id—H 511/H Jud III)
SB	383	Child Support/Compliance	(Id—H 510/H Jud III)
SB	420	Felony Murder Rule/Drug Deaths	
SB	437	1991 Safe Roads Act Amendments	
SB	464	Child Support Reform	(Id—H 542/S Jud II)
SB	558	Business Opportunity Redefined	(Id—H 267/Ch. 74)
SB	643	ABC Punishment for 19/20 Year Olds	
SB	648	Fetal Death/Murder	(Id—H 1110/H ppi)
SB	731	Long-Term Care/Dom. Home Managers	
SB	750	Equitable Distribution/Fault	

Summary of Bills/Resolutions Remaining in the Senate
JUDICIARY II—Continued

Bill	No.	Short Title	Identical Bill/Last Action
SB	751	Privacy/Child Witness	
SB	752	Comprehensive Drug-Free Workplace Policy	
SB	783	T.V. Testimony	(Id—H 1072/S Jud II)
SB	796	Cigarette Paper Sales	
SB	799	Zoning/Multisection Homes	
SB	824	Drug Money/Law Enforcement	
SB	842	Increase Onslow Magis. Level	
SB	913	Training School/Special Ed.	
SB	978	Workers Comp. Changes	(Id—H 1387/H Courts)
SB	980	Public Agencies/OSHA Fines	(Id—H 1386/Ch. 1020)
SB	982	Fatality and Injury Reports	(Id—H 1392/Ch. 894)
SB	985	Safety Programs and Committees	(Id—H 1388/Ch. 962)
SB	986	OSHA Inspection Services	(Id—H 1391/Ch. 924)
SB	989	Retaliatory Discrimination	
SB	1271	Internal Supervisor Exempt	
HB	149	Regulate Smoking in Public	(Id—S 126/Ch. 279)
HB	457	Drug Felons Lose Education Aid	
HB	542	Child Support Reform	
HB	679	Drug Free School Zone/1,000 Ft.	
HB	829	Marital Property/Equit. Dist	
HB	843	Strengthen DWI Laws	
HB	863	Bingo Proceeds	
HB	1003	Aids Test/Sex Offenses	
HB	1072	T.V. Testimony	(Id—S 783/S Jud II)
HB	1123	Kill Law Officer/Capital Crime	

Executive Order

	124	Governor's Task Force on Prison Construction and Consolidation

LOCAL GOVERNMENT AND REGIONAL AFFAIRS

SB	32	Building Inspector Duties	
SB	73	Northampton Advisory Vote	
SB	116	Greensboro Bid Limit	
SB	490	Burke Local Development	(Id—H 624/Ch. 496)
SB	512	Guilford Commissioners' Districting	(Id—H 637/Ch. 136)
SB	524	Rockingham Local Bill	
SB	525	Surry Local Act	
SB	526	Ashe Local Act	
SB	527	Stokes Local Act	
SB	528	Watauga Local Act	
SB	529	Alleghany Local Act	
SB	532	Yadkin Local Act	
SB	533	Alexander Local Act	
SB	535	Iredell Local Act - 2	
SB	546	New Hanover Local Bill - 1	
SB	548	New Hanover Local Bill - 2	
SB	560	Graham Local Act	
SB	561	Cherokee Local Act	
SB	562	Clay Local Act	
SB	563	Haywood Local Act	
SB	566	Cabarrus Local Development	(Id—H 733/S LocGov)
SB	573	Alamance Law Change	

Summary of Bills/Resolutions Remaining in the Senate
LOCAL GOVERNMENT AND REGIONAL AFFAIRS—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	574	Caswell Law Change	
SB	583	Catawba Geographical Records Access	
SB	586	Jackson Local Act	
SB	587	Polk Local Act	
SB	588	Swain Local Act	
SB	589	Transylvania Local Act	
SB	591	Macon Local Act	
SB	596	Charlotte Convention Center	
SB	613	Nash/Edgecombe Local Bill	
SB	616	Pender Fines/Wilmington Charter	
SB	617	Wilmington Mgr. Purchase Property	
SB	618	Require City Garbage Service	(Id—H 985/Ch. 698)
SB	621	St. Pauls Econ. Dev.	
SB	692	Group Home Zoning	
SB	767	Local Employee Political Activity	(Id—H 1013/Ch. 619)
SB	1052	New Hanover/Pender Consent	(Id—H 1423/Ch. 790)
SB	1123	Franklin Construction	
SB	1186	Stanly/Local Act	
SB	1187	Union Local Act	
HB	265	Anson Force Account Limit Raised	
HB	630	Brunswick Redistricting	
HB	660	No. Topsail Beach/Onslow Cnty. Fines	(Id—S 555/Ch. 245)
HB	683	Amend Wilmington Charter/Housing	(Id—S 569/Ch. 119)
HB	721	Durham City/County Discrimination	
HB	733	Cabarrus Local Development	(Id—S 566/S LocGov)
HB	772	Wilmington File Conditions	
HB	1371	Charlotte Traffic Control	(Id—S 1033/Ch. 860)
HB	1490	Third-Degree Trespass	
HB	1501	Union Jail Exemption	
HB	1529	Catawba Annexation	
HB	1580	Carteret/Craven Boundary	

MANUFACTURING AND LABOR

SB	663	No Employment Discrimination	
SB	983	State Workplace Safety	
SB	984	Safety Reorganization Task Force	(Id—H 1395/Ch. 1008)
SB	987	Fire Code Enforcement	(Id—H 1393/Ch. 895)
SB	1000	Safety Provisions/Contracts	(Id—H 1389/CH. 893)
HB	474	OSHA Penalties	

PENSIONS AND RETIREMENT

SB	22	Paid Firemen Pension Benefits	(Id—H 27/H ppi)
SB	27	1 Year Firemen Disability Paym'ts	(Id—H 31/Ch. 929)
SB	28	Vol. Fire Pension Contributions	(Id—H 28/H Pen&Ret)
SB	197	Pension Analysis Amendment	
SB	404	Law Offices' 25-Year Retirement	
SB	536	Retirement System Clarification	
SB	540	State Emp. Health Plan Changes	
SB	542	Council of State Retirement	
SB	818	Retirement Incentive	
SB	832	Increase/Adjust Retire. Formula	
SB	1183	Amend Fire/Rescue Pension Fund	
HB	235	Clarify Disability Retire	

Summary of Bills/Resolutions Remaining in the Senate
PENSIONS AND RETIREMENT—Continued

Bill No.		Short Title	Identical Bill/Last Action
HB	1273	Gen. Assembly Retire. Credit	
HB	1404	Increase/Adjust Retire. Formula	
HB	1421	Transfer Fire/Rescue Pension Fund	(Id—S 1142/Ch. 833)

Executive Order
137 Escrowing Contributions to the Teachers' and State Employees' Retirement System
138 Amending Executive Order No. 137, Escrowing Contributions to the Teachers' and State Employees' Retirement System
158 Republishing and Amending Executive Order No. 137, Escrowing Contributions to the Teachers' and State Employees' Retirement System

PUBLIC UTILITIES

SB	577	Greenville Utilities Commission	(Id—H 694/H ppi)
SB	729	Electrical Contracting by Utilities	(Id—H 1028/H ppi)

Executive Order
125 Amendment of Executive Order Number 71, Task Force on Rail Passenger Service

REDISTRICTING

SB	959	Senate Redistricting	
HB	963	Residency Districts	

RULES AND OPERATION OF THE SENATE

SJR	226	Mem. Cong. & Pres. for Appr. to Unempl. Ins. Prog.	
SJR	228	Honor Thomas Jackson White, Jr.	(Id—H 266/Res. 7)
SB	407	Public Health Study	(Id—S 367/S Appr; see Ch. 754 H 476/H ppi; see Ch. 754)
SB	667	Restore Christmas Holiday	(Id—H 1014/Ch. 750)
SB	1089	Enabling Separate Instruments for Recording	
SB	1116	Enabling Study Commission/Cancer Control	(Id—H 1617/H Rules)
SJR	1117	Enabling Congress/Balanced Fed. Budget	
SJR	1198	Enabling Folkmoot USA Festival	(Id—H 1331/Res. 34)
SJR	1252	Enabling Age. Incr. Pub. Sch. Attend	
HB	319	Day Care Health Assessment	
HB	1075	Representatives' Registration	
HB	1536	Enabling Repeal/"Resign-to-Run" Act	
HB	1685	No Immunity for Infraction	(Id—S 1277/Ch. 1037)

STATE PERSONNEL AND STATE GOVERNMENT

SB	30	Contractor Board Authority	
SB	176	Comprehensive Goals	
SB	206	Private Protective Services	(Id—H 269/H SG-Brds)
SB	439	Clarify State Personnel Act Scope	(Id—H 549/H ppi)
SB	728	State to Use Efficient Lighting	(Id—H 1020/H ppi)
SB	759	Building Maintenance Reserve	
SB	768	State Equal Employment	
SB	810	General Fund Budget Reform	

Summary of Bills/Resolutions Remaining in the Senate
STATE PERSONNEL AND STATE GOVERNMENT—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	831	Conveyance/Indian Cultural Ctr.	
SB	834	Env. Statutes Recodification	
SB	835	DEHNR Bds., Commissions, & Councils	
SB	836	Health Agency Reorganization	
SB	1135	Well/Pump Contractors License Act	(Id—H 1318/ H Econ Exp)
SB	1232	Open Formulary	
HB	230	Part-Time School/Employment	
HB	315	Shortage Occupation Assistance	(Id—S 277/Ch. 357)
HB	913	CRC Membership	

Executive Order

127 Amendment and Extension of Executive Order Number One, Establishing the North Carolina Board of Ethics

128 Amendment of Executive Order Number 127, Amendment and Extension of Executive Order Number One, Establishing of the North Carolina Board of Ethics

129 Amending Executive Order Number 121, Governor's Minority, Female and Disabled-Owned Businesses Construction Contractors Advisory Committee

130 Supplementing Executive Order Number 114, Budget Crisis/Hiring Freeze

131 Amendment to Executive Order Number 15, Juvenile Justice Planning Committee

132 Establishment of Governor's Council on Alcohol and Other Drug Abuse

133 Expanding the Membership of Governor's Highway Beautification Council

134 Granting Special Readjustment Leave to Employees of the State Who Have Served With the Nation's Armed Forces During the Persian Gulf Conflict

135 Rescission of Executive Orders Number 88 and Number 102, Columbus Voyages Quincentenary Commission

136 Establishing the North Carolina Advisory Council on Telecommunications in Education

139 Establishing the Governor's Volunteer Advisory Council

140 Appointing Special Commission to Investigate Shortages in the Northampton County Schools' Finances

141 Amending Executive Order Number 90, Governor's Advisory Council on Literacy

142 Child Protective Services

143 North Carolina Advisory Council on Vocational and Applied Technology Education

144 Amending and Extending Executive Order Number 53 The Governor's Inter-Agency Advisory Team on Alcohol and Other Drug Abuse

147 Establishment of the Geographic Information Coordinating Council and the Transfer of The Center for Geographic Information and Analysis to the Office of the Governor

Summary of Bills/Resolutions Remaining in the Senate
STATE PERSONNEL AND STATE GOVERNMENT—Continued

Bill No.	Short Title	Identical Bill/Last Action
149	Rescission of Executive Order Number 79 Which Established the North Carolina Small Business Council	
150	North Carolina Human Service Transportation Council	
151	Governor's Advisory Commission on Military Affairs	
154	Amending Executive Order Number 53, The Governor's Inter-Agency Advisory Team on Alcohol and Other Drug Abuse	
159	North Carolina Governor's Commission on Workforce Preparedness	
161	Extension of Executive Orders 12, 13, 27, 29, 39, 55, 109, and 110, Retroactively Extending Various Established Boards and Commissions	
162	Council on Health Policy Information	
163	Amendment to Executive Order Number 151, Governor's Advisory Commission on Military Affairs	
164	Extending the Provisions of Executive Order Number 114, As Supplemented by Executive Order Number 130, for Fiscal Year 1991-92, Budget Administration/Hiring Freeze	
165	Extension and Restructuring of Executive Order Number 43, North Carolina Emergency Response Commission	
166	Amendment to Executive Order Number 119, North Carolina Quality Leadership Awards Council	
168	North Carolina Interagency Council for Coordinating Homeless Programs	
169	Criminal Record Checks of Applicants for Direct Care Positions Within the Department of Human Resources	
171	Extension of Executive Order 45, The Governor's Language Institutes Advisory Board	

TRANSPORTATION

SB	40	Simplify Special Plate Statutes	(Id—H 64/Ch. 672)
SB	303	Industrial Access Railroad Tracks	
SB	304	Rail Corridor Preservation	
SB	371	Violation of Overdimension Permit	(Id—H 437/H Fin)
SB	471	Five-Year Drivers License Renewal	(Id—H 581/H Fin)
SB	519	MV Conditional Delivery	
SB	541	Reciprocity - Overweight Permits	
SB	567	I-40 - Scenic/Memorial Highway	
HB	19	Drivers License Exemptions	(Id—S 20/Ch. 478)

Executive Order

126	Governor's Highway Beautification Council
157	Waiving Certain Penalties Pursuant to Chapter 166A of the General Statutes of North Carolina

TRAVEL, TOURISM AND CULTURAL RESOURCES

SB	82	State Dance - Clogging	(Id—H 59/H Rules)
HJR	65	Honor Founders/John C. Campbell Folk School	

VETERAN AND MILITARY AFFAIRS, LAW ENFORCEMENT, AND SENIOR CITIZENS

SB	444	Law Enforcement Study	
SB	521	New Hanover Law Enforcement	(Id—H 769/H ppi)

Summary of Bills/Resolutions Remaining in the Senate
VETERAN AND MILITARY AFFAIRS, LAW ENFORCEMENT, AND SENIOR CITIZENS—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	576	Unmarked Cars Not Used at Night	
SB	714	UNC/Military Basses Change	
SB	794	Military Out-of-State School Law Change	
SB	1131	Incr. Public Safety/Remove Cap.	(Id—H 1549/H ppi)
SB	1160	Alamance Inmates Work	
HB	575	Scholarships for Veterans' Children	

Executive Order

152	Establishing the Persian Gulf War Memorial Commission
155	Amending Executive Order Number 65, North Carolina State Defense Militia
160	Amendment to Executive Order Number 152, Establishing the Persian Gulf War Memorial Commission
167	Amending Executive Order Number 152, Establishing the Persian Gulf War Memorial Commission, and Establishing the Persian Gulf War Memorial Advisory Committee
170	Amendment to Executive Orders Number 151 and Number 163, Governor's Commission on Military Affairs

WAYS AND MEANS

SB	364	Clarify State Funds & Accounts	
SB	699	Insurance Equality Statute	

CONFERENCE COMMITTEE

SB	1020	Studies of 1992	(Id—H 1426/H ppi)

FAILED TO PASS

SB	782	Concealed Weapon Exception	

HELD AS FILED

SB	9	State Sup./St. Bd. of Educ. Chair	
SB	523	Business Opportunity Redefined	
SB	952	N.C. Foreign Language Center	
SB	954	Honoring UNC Women's Soccer	
SJR	981	Memorializing Congress Workplace Inspections/OSHA	(Id—H 1396/H Rules)
SB	991	Electrology Act Amendment	(Id—S 1259/Ch. 1003)
SB	1042	Adopt State Plant/Venus's—Flytrap	
SB	1184	Chapel Hill Beaver Trapping	
SB	1208	Raise School Attendance Age	
SB	1210	Alcohol Tax Civil Penalties	
SB	1250	Reduce Juice Concentrate Tax	

HELD BY ORDER OF CHAIR

HB	1514	State Employee Benefits/Lottery	(Id—S 1104/Appr)

POSTPONED INDEFINITELY

SB	308	Indian Affairs Comm. Director	(Id—H 350/Ch. 88)
SB	713	Carolina Tartan	(Id—H 932/Ch. 85)

Summary of Bills/Resolutions Remaining in the Senate

POSTPONED INDEFINTELY—Continued

Bill No.		Short Title	Identical Bill/Last Action
SB	1061	Bladen/Cumberland/Hoke Contracts	(Id—H 1345/Ch. 763)
HJR	914	Honor Duke/NCAA Basketball Championship	(Id—S 646/Res. 10)
HB	1294	Honor Former Operation Desert Storm POWs	(Id—S 953/H Rules)
HB	1334	Agric., Forestry, Seafood Changes	(Id—S 1066/Ch. 785)

SENATE SIMPLE RESOLUTIONS

SR	83	Adopt Rules 1991	(Adopted) (Committee Substitute)
SR	93	Nomination/Election UNC Board of Governors	(Adopted) (Committee Substitute)
SR	100	Honoring Founders UNC—Greensboro/Centennial	(Adopted)
SR	630	Alamance Chorale Performance	(Adopted)
SR	830	Res. Honoring Gov. Richard Caswell and Lenoir County	(Adopted)
SR	970	Nominate/Elect Member to Fill Vacancy/ UNC Board of Governors	(Adopted)
SR	1096	Commemorate 777th Anniv. of Magna Carta	(Adopted)
SR	1221	Support National Football Franchise/Charlotte	(Adopted)
SR	1260	Honoring Henson Perrymore Barnes	(Adopted)
SR	1263	Honor Founders/Catawba County	(Adopted)
SR	1273	Recognize Chambers of Commerce Role	(Adopted)

UNFAVORABLE

SB	7	Limit Session Length	
SB	154	Water Resources Dev't/Budget	(Id—H 128/H ppi)
SB	179	No Pass/No Drive	
SB	391	Condemnation/Private Condemnors	
HB	552	Suspend Professional Licenses/Drug Felony	

UNFAVORABLY REPORTED FOR COMMITTEE SUBSTITUTE AMENDMENT (* Title Change)

	SB	2	1991 Referendum-State Lottery	(H 15)
*	SB	3	School Improvement Act	
*	SB	5	Restructure Budget Process	
*	SB	15	Local Health Board Rules Protect Health	(H 18)
	SB	16	Congressional Redistricting	
	SB	17	Senate Redistricting	
*	SB	20	Driver License Exemptions	(H 19)
*	SB	24	Delinquents-No Drivers Licenses	(H 210)
	SB	26	Modify Fire Relief Funds	(H 30)
*	SB	34	Rule of 78s/Mobile Homes	
	SB	39	No S.D.I.P. Points for 1st Accident	
	SB	41	Savings and Loan Technical Changes	
	SB	42	Banking Technical Amendments	
*	SB	43	Automatic Commitment/Insanity	
	SB	51	Funeral and Burial Trust Act	(for CS#1)
	SB	51	Funeral and Burial Trust Act	(for CS#2)
*	SB	57	Elderly Property Tax Deferral	
	SB	58	Dentist/General Anesthesia	
*	SB	61	Senate President's Appts.-2	
	SB	62	Senate President's Appts.-3	
	SB	67	N.C. Tax Incentive	(H 163)
	SB	69	Money Transmitters Act.	(for CS#1)
	SB	69	Money Transmitters Act.	(for CS#2)

Summary of Bills/Resolutions Remaining in the Senate
UNFAVORABLY REPORTED FOR COMMITTEE
SUBSTITUTE AMENDMENT (* Title Change)—Continued

Bill No.			Short Title	Identical Bill/Last Action
*	SB	70	Foreign Bank Regulation	(for CS#1)
	SB	70	International Banking Act	(for CS#2)
	SB	72	Appointed Judges Statute	
*	SB	80	Home Care Licensing	(H 168)
	SR	83	Adopt Rules 1991	
*	SB	84	Water Projects Plan	(H 124)
*	SB	88	Current Operations - 1991	
	SB	90	"Desert Storm" MV License Renewals	
	SB	91	Savings Bank Act	
	SR	93	Nomination/Election UNC Bd. of Governors	
*	SB	107	License Tax Administration Changes	
	SB	109	Modify Tax Secrecy Provision	
*	SB	111	Highway Use Tax Reductions	
	SB	117	Ed. Cooperative Efforts	(for CS#1)(H 152)
	SB	117	Ed. Cooperative Efforts	(for CS#2)
	SB	123	Plumbing/Htg. License Number	
	SB	124	Drop-out Prevention	(H 148)
	SB	125	Higher Education Encouragement	(H 151)
	SB	126	Remediation	(H 149)
	SB	128	Review of Exempt Property	
	SB	129	Water Transfer Permits	(H 125)
	SB	132	N.C. Park Authority	
	SB	136	Trail System Liability	
*	SB	141	Family Preservation Act	(H 93)
*	SB	142	Plastic Bags/Notice Deadline	
	SB	145	Distribution of Scrap Tire Fee	
	SB	151	Protect Natural/Scenic Rivers	
*	SB	152	Index Homestead Exemption	
	SB	155	Improve APA Rule-Making Process	(H 130)
*	SB	157	APA Hearings/Repeal APA Sunset	(H 153)
	SB	166	Aging-Fees for Services	
*	SB	177	Abandoned Public Cemeteries	
*	SB	181	Undisciplined Juvenile	
	SB	182	Parental Control/Appeals/Pro Se.	
	SB	190	Incorporate Momeyer	
*	SB	218	Vehicle Title Amendments	
*	SB	229	Solid Waste Advance Disposal Fee	
	SB	232	Election Cycle	
*	SB	237	IV-D Medical Insurance Info	
	SB	245	Enhance Securities Enforcement	(H 535)
*	SB	250	Education Governance Changes	
*	SB	253	D.O.T.-Bid Management /Analysis	
	SB	264	Dietetics/Nutrition Practice Act	(H 564)
*	SB	270	Remove Educational Leave Limit	
	SB	283	Weights and Measures Act Amended	
	SB	286	Industrial Comm'n. Chair Duties	
	SB	288	Modify Retire. Benefit Restrict.	
	SB	307	MV Insurance Cancellation	
	SB	310	Mammogram/Pap Smear Coverage	(H 347)
*	SB	316	Podiatry Fees/Temp. Lac.	(H 346)

Summary of Bills/Resolutions Remaining in the Senate
UNFAVORABLY REPORTED FOR COMMITTEE
SUBSTITUTE AMENDMENT (* Title Change)—Continued

	Bill No.		Short Title	Identical Bill/Last Action
	SB	317	Glenville Charter	
	SB	329	Nursing Act/Technical Amend	
	SB	333	Insurance Technical Amendment	
*	SB	336	Med. Database Sunset	(H 431)
	SB	339	Insurance Amendments	(H 434)
	SB	342	Insurer Solvency Program	(H 351)
	SB	344	Clean Water Loan Program Transfer	
	SB	348	Amend State Auditor's Duties	
*	SB	352	DOT-Underground Tanks	
	SB	356	Communic. Disease/Penalty	
	SB	359	Fees/Asbestosis Exams	
	SB	360	Imminent Hazard Redefined	
	SB	368	Monroe Property Disposition	
*	SB	377	Amend. Inactive Sites Prgm. Reg.	(H 572)
*	SB	386	NC May Exceed US Air/Water Regs.	(H 589)
	SB	389	Marine Affairs/Ocean Affairs Council	(H 537)
	SB	395	Termination of Small Trusts	
*	SB	397	Raise Corporate Copying Fee	
*	SB	398	Amend Business Corporation Act	
*	SB	402	Student Access to State Telephone System	
	SB	410	Env. Policy Act Amends	(H 410)
	SB	412	Water Treatment Operators Amends	
	SB	415	Parole Changes	(H 517)
	SB	417	Transmission Line Siting Juris	(H 523)
	SB	422	Sheriffs' Commission Changes	
	SB	425	State Employment Just Cause	
	SB	426	Notary Public Act	(for CS#1)
	SB	426	Notary Public Act	(for CS#2)
	SB	426	Notary Public Act	(for CS#3)
	SB	430	Wine Dist. Agreements Act	
	SB	432	Special Industrial Csmn Fund	(for CS#1)
	SB	432	Special Industrial Comm. Fund	(for CS#2)
*	SB	433	Nash Solid Waste Fees	
*	SB	434	Workers' Comp. Act Tech. Amendments.	
	SB	438	Confidential Info. Protected	
*	SB	441	School Admin. Training/Cert.	
	SB	449	Community Water Systems Permits	
	SB	450	Certify Water Pollution Control Operators	(for CS#1)
	SB	450	Certify Water Pollution Control Operators	(for CS#2)
	SB	451	Improve Environmental Enforcement	
	SB	472	Drivers License Changes	(for CS#1)
	SB	472	Drivers License Changes	(for CS#2)
	SB	473	Validate Judgments	
*	SB	475	Caldwell/Avery Bear Sanct. Change	
	SB	477	New Hanover-Contractor Evaluation	
	SB	479	Smithfield Annexation	
	SB	485	Election Law Reform	
	SB	486	Alexander School Redistricting	
	SB	501	Duplin Industrial Site	
*	SB	502	Topsail Island No-Wake Zone	
	SB	505	Incorporate Whitsett	(H 657)

Summary of Bills/Resolutions Remaining in the Senate
UNFAVORABLY REPORTED FOR COMMITTEE
SUBSTITUTE AMENDMENT (* Title Change)—Continued

	Bill No.		Short Title	Identical Bill/Last Action
	SB	511	Wake Firearm Regulation	
	SB	518	Animal Research Interference	
*	SB	534	Iredell Local Act-1	(for CS#1)
*	SB	534	Iredell Local Act-1	(for CS#2)
	SB	538	Johnston School Board	
*	SB	539	Time for Stamping Cigarettes	
*	SB	545	Pender Local Bill-1	
*	SB	547	Pender Local Bill-2	
*	SB	549	Orange Impact Tax	
*	SB	550	Supplemental School Taxes	
*	SB	556	Incorp. Referendum/Absentee Voting	
*	SB	565	Poplar Tent Beautification Dist.	(for CS#1)
*	SB	565	Poplar Tent Beautification Dist.	(for CS#2)
*	SB	580	Raise Durham Occupancy Tax	
*	SB	590	Henderson Local Act	
	SB	594	Community College Trustees	(H 740)
	SB	595	Access to Health Insurance Study	
*	SB	597	Atty. Fees/Statutory Lien Actions	
	SB	612	Nash/Rocky Mount School Merger	
*	SB	616	Pender Criminal Fine Increase	
	SB	623	Orange/Chatham Omnibus	(for CS#1)
	SB	623	Orange/Chatham Omnibus	(for CS#2)
*	SB	627	Rulings on No Contest Motions	
*	SB	638	Smithfield Econ. Dev.	
	SB	640	Collegiate Registration Plates	
	SB	641	UNC-CH Name Change	
*	SB	649	Air Cargo Airport Authority	(H 866)
	SB	659	National Guard Awards	
	SB	678	Hunter Criminal Negligence	
*	SB	679	Include Geologists in Prof. Corp. Act	
	SB	682	Housemoving Amendments	
	SB	686	Indemnification of Officers/Directors	
	SB	694	Social Worker Certification	(H 880)
*	SB	697	Tax Military Same as Federal Law	
	SB	699	Insurance Equality Statute	
	SB	700	Certify Interior Designers	(for CS#1)
	SB	700	Certify Interior Designers	(for CS#2)
	SB	705	Increase Bid Limits	
	SB	707	Return of Condemned Property	
	SB	710	Mental Health Clients' Rights	
	SB	719	Improve Regulation of Contractors	
	SB	721	MV Extended Warranty Act	
	SB	722	Expansion of Leg. Ethics Comm. Juris	(w/1 Amendment Attached)
*	SB	725	Private Investigations Act	
	SB	727	Bed and Breakfast Inns	
	SB	728	State to Use Efficient Lighting	(H 1020)
*	SB	731	Long Term Care Managers	
	SB	732	Project Genesis Established	(H 994)
*	SB	740	Chiropractic Utilization Review	
*	SB	746	All-Terrain Vehicles	

Summary of Bills/Resolutions Remaining in the Senate
UNFAVORABLY REPORTED FOR COMMITTEE
SUBSTITUTE AMENDMENT (* Title Change)—Continued

	Bill No.	Short Title	Identical Bill/Last Action
	SB 749	Health Care Power of Attorney	
	SB 753	1991 Current Operations	
*	SB 756	AIDS Testing	
	SB 760	Nursing Home Adm. Qual.	
	SB 764	Limitations for Actions/Surveyors	
	SB 770	MH/DD/SA Care/Local Confinement	
	SB 771	MH Records' Confidentiality	
	SB 773	Recyclable 6-Pack Rings	
	SB 774	Annual Accounting/Probate	
	SB 779	Rental Housing Listing Service Act	
	SB 791	Settlement Conferences/Civil Actions	
	SB 801	President Pro Tempore Appointments	
	SB 802	Env. Tech. Corrections	(H 1124)
	SB 811	Ad Valorem Taxes/Educational Institutions	
*	SB 812	State to Buy Recycled Goods	
	SB 813	Landfills/Env. Impact Statement	(for CS#1)
	SB 813	Landfills/Env. Impact Statement	(for CS#2)
	SB 814	Older Adults Ad. Comm. Change	
	SB 821	Protect Water Supply Watersheds	
*	SB 822	UNC Bd. of Gov. Changes	
	SB 833	General Fund Budget Reform	
*	SB 885	Fees	
*	SB 886	Bonds	
	SB 893	ESC Reserve Fund	(for CS#1)
	SB 893	ESC Reserve Fund	(for CS#2)
	SB 910	Precinct Change Amendments	(H 1240)
*	SB 917	Horse Racing Study	
*	SB 927	Legislative Budget Commission	
*	SB 928	General Purposes Bond Act	
*	SB 930	Budget Funds	(for CS#1 w/ Amendment)
	SB 930	State Capital Facility Bonds	(for CS#2)
	SB 935	Increase Marriage License Fees	
*	SB 943	Water Transfer Registration	
*	SB 971	Railroad Transfer/Funds	(H 1447)
*	SB 976	Grandfather Certain License Plates	
	SB 977	Pro Tem Appointments	
	SB 999	Medicare Supplement Ins. Amendments	
*	SB 1010	Electronic Funds Transfer	
	SB 1011	Fuel Law Changes	
	SB 1016	Stock Broker Privilege License Tax	
*	SB 1020	Students Placed at Risk/Study	(H 1426 w/Two Amendments*)
*	SB 1026	School of Science and Math Trustees	(H 1359)
	SB 1031	Woodlake Village Incorporation	
*	SB 1032	Discrimination/Nonworking Hours	(H 1377)
*	SB 1033	Charlotte Traffic Control	(H 1371)
	SB 1062	Limit Farmer Liability	(H 1335)
*	SB 1093	Capital Appropriations/1992	(for CS#1)
	SB 1093	Capital Appropriations/1992	(for CS#2)
*	SB 1094	Operations/Capital Budget/1992	

Summary of Bills/Resolutions Remaining in the Senate
UNFAVORABLY REPORTED FOR COMMITTEE
SUBSTITUTE AMENDMENT (* Title Change)—Continued

	Bill No.	Short Title	Identical Bill/Last Action
	SB 1099	Edgecombe School Districts	
	SB 1105	Safekeeper Changes	(H 1483)
*	SB 1107	Enabling Computer Software Excluded/Taxes	
*	SB 1113	General Obligation Bonds	
	SB 1125	Franklin Gas Lines	
	SB 1129	Sentencing and Policy Extension	
*	SB 1147	Modify Dare Local Option	
	SB 1154	UNC Capital Projects	(S 1224/H 1665)
	SB 1156	Closed-loop Groundwater Remediation	
*	SB 1159	Local Govt. Solid Waste Contracts	(for CS#1)
*	SB 1159	Local Govt. Solid Waste Contracts	(for CS#2)
	SB 1167	State Health Plan Prescriptions	
	SB 1169	Underground Storage Tank Amends '92	(H 1582)
*	SB 1178	State Employees' Retirement Change	
*	SB 1193	Jt. Agency Authority	(H 1634)
*	SB 1195	No Sales Tax on Donated Drugs	
	SB 1197	Oxygenated Gasoline	
*	SB 1205	Head Start Funds	(H 1603)
	SB 1206	Env. Tech. Corr. 1992	(H 1601)
*	SB 1213	Restore Local Govt. Earmarking	
*	SB 1216	School Funding Waiver/Certain LEA's	(H 1641)
	SB 1218	Air Cargo Amendments	
	SB 1223	MV Technical Corrections Bill	
*	SB 1229	Cape Hatteras Lighthouse Plate	(for CS#1)
	SB 1229	Historical Attractions Plates	(for CS#2)
*	SB 1241	Community College Bond Act	
*	SB 1255	Validate Local Bond Proceedings	
*	SB 1262	Modify Property Tax Appeals	
	SB 1271	Internal Supervisor Exempt	
	SB 1274	Enabling/Repeal Legislative Immunity/Arrest	
*	HB 14	Open Meetings	(HCS to SCS)
	HB 20	Simplify Motor Vehicle Property Tax	(HCS to SCS)
	HB 23	Fuel Tax Changes to Enter Fuel Pact	(HCS to SCS)
	HB 33	Credit Repair Act	(HCS to SCS)
	HB 34	Debt Collection Penalty Up	
	HB 37	Homeowners Recovery Fund	(HCS#2 to SCS)
	HB 46	Special Fuels Reporting/Bond Changes	(HCS to SCS)
*	HB 47	School Discipline by Parent	(HCS to SCS)
*	HB 47	Make Schools Safer	(to SCS#2)
	HB 54	Credit Union Technical Amendments	(HCS#2 to SCS)
	HB 64	Simplify Special Plate Statutes	(S 40)
	HB 80	Transit Authority Vehicle Rental Tax	(S 99)(HCS to SCS)
	HB 83	1991 Appropriations & Budget Revenue Act	(S 88)(HCS#2 to SCS)
	HB 86	Solid Waste Fees	(HCS to SCS)
*	HB 89	Ethics/Lobbying	(HCS to SCS)
*	HB 95	Cumberland Industrial Sites	
*	HB 124	Water Projects Plan	(S 84)
*	HB 126	Airport Authority Security Interests	(S 48)(HCS to SCS)
*	HB 134	Private Recyclers' Report	(HCS to SCS)
	HB 136	Solid Waste Incinerator Bans	(HCS to SCS)
*	HB 149	Remediation	(S 126)(HCS to SCS)

Summary of Bills/Resolutions Remaining in the Senate
UNFAVORABLY REPORTED FOR COMMITTEE
SUBSTITUTE AMENDMENT (* Title Change)—Continued

	Bill No.	Short Title	Identical Bill/Last Action
	HB 157	Greensboro Fair Housing	(HCS to SCS)
*	HB 172	Mitchell Accountant/Tax Collector	
	HB 175	Operation Lifesaver 1991	(HCS to SCS)
*	HB 180	Modify Various Criminal Penalties	(HCS to SCS)
*	HB 190	Equit. Distrib./Judgment	
	HB 204	Social Services Rest Home Rules	(HCS to SCS)
*	HB 217	Extremely Serious Assault/Felony	(HCS to SCS)
*	HB 241	N.C. Education Council Abolished	
	HB 248	Mooresville Occupancy Tax	
*	HB 277	Commr. Banks/Authority	
*	HB 283	Assault/Health Official	(HCS to SCS)
	HB 289	Validate Conveyances	
	HB 314	Nursing Shortage Remedies	(S 278)(HCS to SCS)
	HB 330	Motor Vehicle Dealer-Definition	(HCS to SCS)
	HB 330	Motor Vehicle Dealer-Definition	(to SCS#2)
	HB 332	Council on Disabilities Change	(HCS to SCS)
	HB 352	Vaccine Injury Program	
	HB 355	Subpoena Patient Records	(HCS to SCS)
*	HB 356	Lincoln Geographical Records Access	(HCS to SCS)
*	HB 379	Higher Fines for Speeders	
	HB 397	Equit. Distrib./Retirement	(HCS to SCS)
	HB 400	Mortuary Science Regs.	
*	HB 402	MV Registration Address Updates	
	HB 410	Env. Policy Act Amends	(S 410)(HCS to SCS)
*	HB 413	Increase Air Quality Civil Penalty	(S 409)(HCS to SCS)
*	HB 418	Admission of Depositions	
*	HB 419	Revival of Will Provisions	
	HB 435	MV Laws-Handicapped Persons	(HCS to SCS)
	HB 448	Sedimentation Stop-Work Orders	(S 454)(HCS to SCS)
	HB 450	Clarify Trademark Registration	(HCS to SCS)
	HB 453	Clarify Labor Law	
	HB 468	Bee and Honey Act Enforcement	
*	HB 479	Adoption Consent	
	HB 482	TPA Law Rewrite	(S 334)(HCS to SCS)
	HB 493	Low Performing School Units	(S 463)
	HB 494	Business Contributions to Education	
*	HB 498	Health Director Qualifications	(HCS to SCS)
	HB 501	Stormwater Utilities	(S 453)
*	HB 508	Felony to Fortify Drug House	
*	HB 512	Sedimentation Control Commission	
	HB 513	Ethnic Intimidation	
	HB 516	Uniform Traffic Control Devices	
	HB 519	Employment Agency Charges	(HCS to SCS)
	HB 520	Liability for Oil Spill Cleanup	(HCS to SCS)
*	HB 528	Amend Reporting Requirements	
*	HB 530	Auctions/Auctioneers Act	(HCS to SCS)
*	HB 544	Non-tax-paid Fuel Civil Penalty	
	HB 551	Clean Air Act Implementations	(HCS to SCS)
	HB 561	Company Police Act	(HCS#2 to SCS)
*	HB 563	Action Under Civil Rights Act	
	HB 586	Brunswick Elections	(HCS to SCS)

Summary of Bills/Resolutions Remaining in the Senate
UNFAVORABLY REPORTED FOR COMMITTEE
SUBSTITUTE AMENDMENT (* Title Change)—Continued

Bill No.	Short Title	Identical Bill/Last Action
* HB 587	Regulate Jet Skiing	(HCS to SCS)
* HB 597	SBI Day Care Abuse Task Force	(HCS to SCS)
* HB 598	Pasquotank Road Hunting	
HB 605	Juvenile Commitment Procedure	
HB 607	Williamston Election Method	
HB 608	Bald Head Isl. Post Office	
* HB 611	Avery School Elections	(S 492)
HB 620	Recycle Lead-Acid Batteries	
HB 621	Continuing Insurance Education	(HCS to SCS)
HB 628	Limit Students' Work Hours	(HCS to SCS)
* HB 641	Union Detention Exemption	
HB 652	Register Vacancy Modification	(HCS to SCS)
* HB 655	Election Amendments	(HCS to SCS)
* HB 662	Change Unclaimed Garment Law	
* HB 667	Nonsurface Discharge Permit/Notice	(HCS to SCS)
HB 674	Jonesville/Arlington Merged	(HCS to SCS)
* HB 682	New Hanover Five Increase	
* HB 684	Johnston Local Development	(HCS to SCS)
* HB 701	Robeson School Board	
HB 708	Perfection Date of MV Liens	
* HB 723	Durham City Changes	(HCS to SCS)
* HB 725	Vol. Rescue/EMS Fund - Eligibility	
HB 734	Collegiate Registration Plates	(HCS#2 to SCS)
* HB 737	Wilmington/Restrict Prop. Sale	(S 619)
* HB 738	Wilmington Zoning Violations	
* HB 740	Community College Trustees	(S 594)(to Local Bill)
* HB 757	Dunn Facility Fees	(to SCS#1)
* HB 757	Dunn Facility Fees	(to SCS#2)
* HB 760	Angier/Dunn/Erwin/Lillington Fees	
* HB 762	Greensboro/High Point Room Taxes	
* HB 782	Mooresville ETJ/Satellite Area	
* HB 796	Sampson Vacancies	
HB 801	Stanly Subdivisions	
HB 809	Seven Lakes/Highway Laws Apply	
* HB 810	Moore Towns Study Annex	(to SCS#1)
* HB 810	Carthage Annexation	(to SCS#2)
* HB 816	Davidson/3rd Degree Trespass	
* HB 821	Amend Natural Death Act.	
HB 826	Increase MV Liability Limits	(S 494)(HCS to SCS)
* HB 828	Teacher Input/School Plans	(S 748)(HCS to SCS)
HB 838	Penalty for Crop Destruction	(HCS to SCS)
* HB 846	Insurance Premium Financing	
* HB 850	Minimum Land Records Standards	(HCS to SCS)
* HB 852	No Cigarette Sales to Minor	
HB 865	Limited Representative Ins. License	
* HB 873	Deadline/Watershed Protection	
HB 881	Practicing Pastoral Counselors	(S 712)(HCS#2 to SCS)
HB 881	Practicing Pastoral Counselors	(SCS to SCS#2)
HB 897	No Required Repair Companies	(HCS to SCS)
HB 902	Farm Ins. Out of Rate Bureau	
HB 915	Psychologists' Conduct Code	

Summary of Bills/Resolutions Remaining in the Senate
UNFAVORABLY REPORTED FOR COMMITTEE
SUBSTITUTE AMENDMENT (* Title Change)—Continued

Bill No.	Short Title	Identical Bill/Last Action
* HB 918	Ins.-Sales Licenses Limited	(HCS to SCS)
HB 923	Clarify UNC Board Nomination Process	(HCS to SCS)
* HB 924	Air Permits/Local Land-Use Plans	(HCS to SCS)
HB 925	Plumbing/Heating Contr. Exemption	(HCS to SCS)
* HB 929	Technical Corrections	(HCS to SCS#1)
HB 929	Technical Corrections	(SCS#1 to SCS#2)
* HB 939	Exempt Dispute Settlement	
HB 942	Reduction in Force Priority	(HCS to SCS)
* HB 945	Court Costs/Fees Changes	(HCS to SCS)
* HB 953	Area Mental Health Exemption	
* HB 978	Forestry/Limit Nuisance Liability	(HCS to SCS)
* HB 985	Require City Garbage Service	(HCS to SCS#1)
* HB 985	City Garbage Service/Local Authority	(SCS#1 to SCS#2)
HB 987	Drivers License Suspension Period	(HCS to SCS)
HB 991	International Commercial Arbitrations	
HB 1002	MV Dealers Licensing Law	(HCS to SCS)
HB 1010	Wholesale Drug Distribution License	(HCS#2 to SCS)
HB 1013	Local Employee Political Activity	(S 767)
* HB 1013	Local Employee Political Activity	(SCS#1 to SCS#2)
* HB 1017	Cities' Subpoena/Stop Orders	(HCS to SCS)
HB 1027	Subcontractor Payment	(HCS to SCS)
HB 1037	Small Employer Group Health Reform	(S 797)(HCS to SCS)
* HB 1097	Eng. Barriers/Haz. Waste Landfills	(HCS to SCS)
* HB 1107	Innkeeper Prerog. on Dogs	(HCS to SCS)
HB 1108	Public Bathroom Equity Act.	
HB 1109	Solid Waste Amendments	(HCS to SCS)
HB 1111	Record of Consigned Goods	(HCS to SCS)
HB 1117	Juvenile Capital Offense Change	
HB 1131	Demolition Asphalt As Fill	(HCS to SCS)
* HB 1236	Redefine Distressed County	(HCS to SCS)
HB 1321	Revenue Laws Technical Changes	(HCS to SCS)
* HB 1322	ABC Law Changes	
* HB 1337	Cotton-Hauling Vehicles	(S 1063)
HB 1340	Current Operations Appropriations 1992	(HCS to SCS)
* HB 1358	Resident Tuition Status	(S 1138)
* HB 1386	Public Agencies/OSHA Fines	(S 980)
HB 1388	Safety Programs and Committees	(S 985)(HCS to SCS)
HB 1390	State Workplace Safety	(S 983)
HB 1391	OSHA Inspection Services	(S 986)
HB 1394	Retaliatory Discrimination	(S 989)(HCS to SCS)
* HB 1395	Safety Reorganization Task Force	(S 984)
* HB 1442	Extend Lansing and Fleetwood F.P.D.	(S 1019)
* HB 1455	Real Estate Appraisers Priv. Lic.	(HCS to SCS)
HB 1479	Martin Zoning Notices	
HB 1490	Third-Degree Trespass	
* HB 1493	Stanly School Acquisition	(S 1079)
* HB 1514	State Employee Benefits	(S 1104)(HCS to SCS)
HB 1545	Subsurface Wastewater Reg. Consolidation	(HCS to SCS)
* HB 1568	Set Fee Policy/Correct Budget Cite	
HB 1596	State Env. Policy Act/Public Lands	(HCS to SCS)
HB 1601	Env. Tech. Corr. 1992.	(S 1201)(HCS to SCS)
* HB 1656	General Statutes Technical Bill	

May 26, 1992 (See page 7)

RESOLUTIONS FROM OTHER STATES

The following resolution is received from another legislative body:

Thomas T. Melvin
Assembly Chief Clerk

Office:
1 East Main, 4th Floor
P.O. Box 8952
Madison, WI 53708
(608) 266-1501

Legislative Hotline:
(toll-free) 1-800-362-9696

April 14, 1992

The Honorable Sylvia Morris Fink
Principal Clerk, North Carolina Senate
2020 Legislative Building
Raleigh, NC 27601-1096

Dear Ms. Fink:

As Chief Clerk of the Wisconsin State Assembly, I have been officially ordered to transmit to you the enclosed Assembly Joint Resolution 27 requesting:

> Appropriate action by the congress to propose an amendment to the U.S. constitution prohibiting the physical desecration of the flag of the United States.

This Resolution has been passed by both houses of the Wisconsin Legislature.

Respectfully,

S/THOMAS T. MELVIN
CHIEF CLERK

THE STATE OF WISCONSIN

(SEAL)

1991 Assembly Joint Resolution 27

ENROLLED JOINT RESOLUTION

For the purpose of requesting appropriate action by the congress to propose an amendment to the U.S. constitution prohibiting the physical desecration of the flag of the United States.

Whereas, although the right of free expression is part of the foundation of the United States constitution, very carefully drawn limits on expression in specific instances have

long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

Whereas, there are symbols of our national soul such as the Washington monument, the United States capitol building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas, the American flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas, the law as interpreted by the United States supreme court no longer accords to the stars and stripes that reverence, respect and dignity befitting the banner of that most noble experiment of a nation-state; and

Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the stars and stripes of a proper station under law and decency; now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislature of the state of Wisconsin proposes to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the state of Wisconsin requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, prohibiting the physical desecration of the flag of the United States; and, be it further

Resolved, That a duly attested copy of this joint resolution be immediately transmitted to the president and secretary of the senate of the United States, to the speaker and clerk of the house of representatives of the United States, to each member of the congressional delegation from this state, and to the presiding officer of each house of each state legislature in the United States, attesting the adoption of this joint resolution by the 1991 legislature of the state of Wisconsin.

S/Senator Fred A. Risser
President of the Senate

S/Representative Walter J. Kunicki
Speaker of the Assembly

April 14, 1992
Date

S/Thomas T. Melvin
Assembly Chief Clerk

June 1, 1992 (See page 25)

MISSOURI SENATE
JEFFERSON CITY

Terry L. Spieler
Secretary of Senate
Room 325, State Capitol
Jefferson City, Missouri 65101

May 29, 1992

Ms. Sylvia Fink
Principal Clerk of the Senate
2020 Legislative Bldg.
Raleigh, NC 27601-1096

Dear Sylvia:

In accordance with action taken by the Missouri Senate and House of Representatives,

I am forwarding the enclosed copy of Senate Concurrent Resolution No. 24 relating to the "Help Yourself, Buy American" effort.

Sincerely,
S/Terry L. Spieler
Secretary of Senate

"THE WELFARE OF THE PEOPLE SHALL BE THE SUPREME LAW"

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SENATE

(SEAL)

STATE OF MISSOURI

SENATE CONCURRENT RESOLUTION NO. 24

WHEREAS, many individuals and families in Missouri and in the United States are suffering great distress because of this nation's current economic difficulties; and

WHEREAS, when the American consumer purchases American products from American companies that are manufacturing superior merchandise at competitive prices, the nation's economy is stimulated, heightening productivity, creating increased employment opportunities and economic growth; and

WHEREAS, consumers should be made aware of the important role they can play in helping themselves and their neighbors rebound from the economic troubles plaguing Missouri and the nation; and

WHEREAS, Missouri has continually promoted the purchase of American products by consumers and government, particularly through the passage in 1987 of the Domestic Product Procurement Act; and

WHEREAS, by increasing the market for American made products through increased awareness of the potential impact of "Buying American" manufacturers will find it in their economic best-interest to maintain and expand their domestic manufacturing facilities; and

WHEREAS, the plight of unemployed workers in America is in part due to American consumers not being aware of the need to purchase quality merchandise produced in the United States; and

WHEREAS, a state and nationwide effort that inspires consumers to purchase quality American products made by the American worker can serve as an impetus for economic recovery; and

WHEREAS, Missouri and all of the other states of the union can and should play an important role in promoting the most worthy effort of buying quality American made products; and

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the General Assembly memorialize the Governor of this state to proclaim that Labor Day of 1992 (September 7) be officially declared "Help Yourself, Buy American Day" in Missouri and that on such day and on all subsequent days Missourians pay tribute to the American worker by making a conscious effort to purchase American made products; and

BE IT FURTHER RESOLVED, that this effort be aggressively advanced as a nationwide program and that every state legislature be contacted and urged to approve a similar resolution so that Labor Day 1992 can be celebrated throughout the nation to motivate American consumers to purchase American made products wherever and whenever possible; and

BE IT FURTHER RESOLVED, that properly inscribed copies of this resolution be sent to every state legislature in the United States, to the National Conference of State Legislatures, to the American Legislative Exchange Council, to the Council of State Governments and to the Governor of the State of Missouri so that every state in the nation will legislatively approve the "Help Yourself, Buy American" effort.

Terry L. Spieler, Secretary of the Senate, and Douglas Burnett, Chief Clerk of the House, do hereby certify that the aforementioned is a true and correct copy of Senate Concurrent Resolution No. 24, adopted by the Senate on March 26, 1992, and concurred in by the House on May 5, 1992.

(SEAL)

S/Terry L. Spieler
SECRETARY OF THE SENATE

S/Douglas W. Burnett
CHIEF CLERK OF THE HOUSE

June 11, 1992 (See page 70)

OHIO HOUSE OF REPRESENTATIVES

DEAN L. JOHNSON
Legislative Clerk
(614) 466-3357

COLUMBUS
43215

VERN RIFFE
Speaker of the House

MEMORANDUM

TO: All Legislative Clerks and Secretaries

FROM: Dean L. Johnson, Legislative Clerk
Ohio House of Representatives

DATE: June 8, 1992

On March 24, 1992, the Ohio General Assembly adopted House Concurrent Resolution No. 24, memorializing Congress to review the provisions of the Social Security Act known as the Social Security Offset and Windfall.

Pursuant to the directions contained therein, I am forwarding a copy to you, and am requesting that you provide each of your members a copy of the same.

Best regards.

Sincerely,
S/Dean L. Johnson
Legislative Clerk

(119th General Assembly)
(House Concurrent Resolution Number 24)

CONCURRENT RESOLUTION

Memorializing Congress to review the provisions of the Social Security Act known as the Social Security Offset and Windfall.

Introduced by

REPRESENTATIVES MAIER - SHEERER - COLONNA - LOGAN - CORDRAY - LUCAS - KRUPINSKI - MAHNIC - THOMAS - W. JONES - CAIN - CAMPBELL - ROBERTS - CLARK - SUSTER - WESTON - PRENTISS - D. JOHNSON - SEESE - HAGAN - MOTTL - VAN VYVEN - SECREST - HEALY - KASPUTIS - VERICH - DiDONATO - SCHUCK - SENATORS FINAN - FURNEY - MESHEL - MONTGOMERY - SINAGRA - NETTLE - DRAKE - BURCH - ZIMMERS - ESPY - BOWEN

Adopted by the House of Representatives,

February 12, 1992

Adopted by the Senate,

March 24, 1992

Filed in the office of the Secretary of State at Colombus, Ohio on the day of A. D. 19

/s/ Bob Taft

Secretary of State.

(119th General Assembly)
(House Concurrent Resolution No. 24)

CONCURRENT RESOLUTION

Memorializing Congress to review the provisions of the Social Security Act known as the Social Security Offset and Windfall.

Be it resolved by the House of Representatives of the State of Ohio (the Senate Concurring):

WHEREAS, The members of the 119th General Assembly of Ohio wish to memorialize the Congress of the United States to review the provisions of the Social Security Act commonly known as the Social Security Offset and Windfall, which substantially reduce the anticipated retirement benefits of Ohio public employees, for the purpose of repealing or amending those provisions to provide relief for such public employees and parity with benefits enjoyed by nonpublic employees who are able to receive private pensions without comparable reduction in Social Security benefits; and

WHEREAS, Public employees in the State of Ohio participate in state or local public retirement systems as to such public employment; and

WHEREAS, Numerous Ohio public employees and/or their spouses also are or have been employed in nonpublic sector jobs for which they and their employer have contributed to the Social Security System; and

WHEREAS, Upon retirement after many years of dedicated public service, Ohio public employees have been promised and are entitled to receive a public pension based on their service and contributions to the state retirement system; and

WHEREAS, Ohio public employees who have also been employed in nonpublic sector jobs or have spouses who have been so employed and have contributed to the Social Security System upon retirement expect to receive Social Security benefits commensurate with their Social Security-covered service and comparable to those received by all others who contributed to the Social Security System; and

WHEREAS, as a result of the Social Security windfall provision, Section 215(a) (7) of the Social Security Act and the offset provision, Subsections (b)(4), (c)(2), (e)(7), (f)(2) and (g)(4) of Section 202 of the Social Security Act, the Social Security benefits for which contributions were made by the employee or the employee's spouse, respectively, are substantially reduced or eliminated, severely impacting the financial condition of the public retiree; and

WHEREAS, The General Assembly firmly believes that Ohio public employees should not be penalized for their years of dedicated public service and should receive Social Security benefits which are commensurate with their or their spouses' years of Social Security-covered service and contributions and are comparable to those received by all other employees; now therefore be it

Resolved, That we, the members of the 119th General Assembly of the State of Ohio, in adopting this Resolution, hereby apply to the Congress of the United States to review the windfall and offset provisions of the Social Security Act for the sole purpose of repealing or amending such provisions to provide relief to public system retirees and to provide Social Security benefits to such public system retirees which are commensurate with their or their spouse's years of Social Security-covered service and contributions and are comparable to those received by other retirees; and be it further

Resolved, That the Legislative Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to each member of Congress, to the Secretary of State and presiding officers of both houses of the legislature of each of the other states in the Union, to the Clerk of the United States House of Representatives, to the Secretary of the United States Senate, to the President of the United States, and to members of the news media.

/s/ Vernal G. Riffe, Jr.
Speaker *of the House of Representatives*

/s/ Stanley J. Aronoff
President *of the Senate*

Adopted March 24, 1992

APPENDIX

NORTH CAROLINA GENERAL ASSEMBLY SENATORIAL DISTRICTS

(G.S. 120-1)

DISTRICTS (Seats)		COUNTIES Townships, Precincts, Towns, Census Tracts, Enumeration Districts
1st	(1)	BEAUFORT (Township of Pantego), BERTIE (Townships of Merry Hill, Whites, Windsor—Town of Askewville; Enumeration Districts 196,197), CAMDEN, CHOWAN, CURRITUCK, DARE, GATES (Townships of Holly Grove, Hunters Hill, Mintonsville), HYDE, PASQUOTANK, PERQUIMANS, TYRRELL, WASHINGTON.
2nd	(1)	BERTIE (Townships of Colerain, Indian Woods, Mitchell, Roxobel, Snake Bite, Woodville, Windsor—Town of Windsor; Enumeration Districts 198A, 199), EDGECOMBE (Townships of 3—Upper Conetoe, 4—Deep Creek), GATES (Townships of Gatesville, Hall, Haslett, Reynoldson), HALIFAX (Townships of Conocarnara, Enfield, Halifax, Littleton, Palmyra, Roseneath, Scotland Neck, Weldon), HERTFORD, MARTIN (Townships of Goose Nest, Hamilton), NORTHAMPTON, VANCE (Townships of Middleburg-Nutbush, Townsville, Williamsboro), WARREN (Townships of Fork, Hawtree, Nutbush, River, Roanoke, Sandy Creek, Shocco, Sixpound, Smith Creek, Warrenton)
3rd	(1)	CARTERET, CRAVEN, PAMLICO.
4th	(1)	ONSLOW.
5th	(1)	DUPLIN, JONES, LENOIR, PENDER (Townships of Columbia, Union).
6th	(1)	EDGECOMBE (Townships of 1—Tarboro, 2—Lower Conetoe, 5—Lower Fishing Creek, 8—Sparta, 9—Otter Creek, 10—Lower Town Creek, 11—Walnut Creek, 12—Rocky Mount, 13—Cokey, 14—Upper Town Creek), MARTIN (Township of Robersonville), PITT (Townships of Arthur, Belvoir, Bethel, Falkland, Farmville, Fountain), WILSON (Townships of Gardner, Wilson, Toisnot).
7th	(1)	NEW HANOVER, PENDER (Townships of Burgaw, Canetuck, Caswell, Grady, Holly, Long Creek, Rocky Point, Topsail).
8th	(1)	GREENE, WAYNE.
9th	(1)	BEAUFORT (Townships of Bath, Chocowinity, Long Acre, Richland, Washington), MARTIN (Townships of Beargrass, Cross Roads, Griffins, Jamesville, Poplar Point, Williams, Williamston), PITT (Townships of Ayden, Carolina, Chicod, Greenville, Grifton, Grimesland, Pactolus, Swift Creek, Winterville).
10th	(1)	EDGECOMBE (Townships of 6—Upper Fishing Creek, 7—Swift Creek), HALIFAX (Townships of Brinkleyville, Butterwood, Faucett, Roanoke Rapids), NASH, WARREN (Townships of Fishing Creek, Judkins), WILSON (Townships of Black Creek, Cross Roads, Old Fields, Saratoga, Springhill, Stantonsburg, Taylor).
11th	(1)	FRANKLIN, VANCE, WAKE (Townships of Bartons Creek, Little River, Marks Creek, New Light, Wake Forest, St. Matthews Precincts 1, 2, 3, 4).
12th	(2)	CUMBERLAND (Townships of Black River, Carvers Creek, Cedar Creek, Cross Creek, Eastover, Gray's Creek, Manchester, Pearces Mill, Rockfish, Seventy-First).

13th	(2)	DURHAM, GRANVILLE, ORANGE (Townships of Cedar Grove, Eno, Little River), PERSON.
14th	(3)	HARNETT, LEE, WAKE (Townships of Buckhorn, Cary, Cedar Fork, Holly Springs, House Creek, Leesville, Meredith, Middle Creek, Neuse River, Panther Branch, Raleigh, St. Mary's, St. Matthews [not including District 11], Swift Creek, White Oak).
15th	(1)	JOHNSTON, SAMPSON.
16th	(2)	CHATHAM, MOORE, ORANGE (Townships of Bingham, Chapel Hill, Cheeks, Hillsborough), RANDOLPH.
17th	(2)	ANSON, MONTGOMERY, RICHMOND, SCOTLAND, STANLY, UNION.
18th	(1)	BLADEN, BRUNSWICK, COLUMBUS, CUMBERLAND (Township of Beaver Dam).
19th	(1)	FORSYTH (Townships of Belews Creek, Kernersville), GUILFORD (Townships of Bruce, Center Grove, Clay, Fentress, Greene, Madison, Monroe, Oak Ridge, Rock Creek, Washington—Precincts of Friendship I, Greensboro 10, 20, 21, 27, 28, 32, 34, 35).
20th	(2)	FORSYTH (Townships of Abbotts Creek, Bethania, Broadbay, Clemmonsville, Lewisville, Middle Fork, Old Richmond, Old Town, Salem Chapel, South Fork, Vienna, Winston).
21st	(1)	ALAMANCE, CASWELL.
22nd	(1)	CABARRUS, MECKLENBURG (Precincts of Charlotte 62, 64, Clear Creek, Matthews, Mint Hill 1, 2, Morning Star, Providence).
23rd	(2)	DAVIDSON, DAVIE, ROWAN.
24th	(2)	ALLEGHANY, ASHE, ROCKINGHAM, STOKES, SURRY, WATAUGA.
25th	(3)	CLEVELAND, GASTON, LINCOLN, RUTHERFORD.
26th	(2)	ALEXANDER, CATAWBA, IREDELL, YADKIN.
27th	(2)	AVERY, BURKE, CALDWELL, MITCHELL, WILKES.
28th	(2)	BUNCOMBE, MADISON, McDOWELL, YANCEY.
29th	(2)	CHEROKEE, CLAY, GRAHAM, HAYWOOD, HENDERSON, JACKSON, MACON, POLK, SWAIN, TRANSYLVANIA.
30th	(1)	HOKE, ROBESON.
31st	(1)	GUILFORD (Townships of Jefferson, Sumner, High Point Census Tract 166 [Block 921], Precincts of Greensboro 3, 4, 5, 6, 7, 8, 9, 11, 19, 25, 29, 30, High Point 3, 5, 6, 7, 11, 12, 19, Jamestown 1, 2, 3).
32nd	(1)	GUILFORD (Township of Deep River, Precincts of Friendship II, Greensboro 1, 2, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 26, 31, 33, 36, High Point 1, 2, 4, 8, 9, 10, 13, 14, 15, 16, 17, 18, 20, 21).
33rd	(1)	MECKLENBURG (Precincts of Charlotte 2, 11, 12, 13, 14, 15, 16, 22, 25, 27, 29, 31, 39, 41, 42, 44, 46, 52, 54, 55, 56, 60, 77, 78, 82, Long Creek 2).
34th	(1)	MECKLENBURG (Precincts of Charlotte 3, 4, 5, 23, 24, 26, 28, 30, 33, 40, 43, 45, 53, 61, 79, 80, 81, 83, 84, 89, Berryhill, Cornelius, Crab Orchard 1, 2, Davidson, Huntersville, Lemly, Long Creek 1, Mallard Creek 1, 2, Oakdell, Paw Creek 1, 2, Steel Creek 1, 2).
35th	(1)	MECKLENBURG (Precincts of Charlotte 1, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 32, 34, 35, 36, 37, 38, 47, 48, 49, 50, 51, 57, 58, 59, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 85, 86, 88, Pineville).

SENATE RESOLUTIONS

SECOND SESSION 1992

Adopted June 17, 1992 (See pages 93, 95, 96)

S.R. 970, A SENATE SIMPLE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING ONE MEMBER TO FILL THE VACANCY ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Adopted June 15, 1992 (See page 81)

S.R. 1096, A SENATE SIMPLE RESOLUTION TO COMMEMORATE THE SEVEN HUNDRED SEVENTY-SEVENTH ANNIVERSARY OF THE MAGNA CARTA.

Adopted June 4, 1992 (See page 47)

S.R. 1221, A SENATE RESOLUTION SUPPORTING A NATIONAL FOOTBALL FRANCHISE IN CHARLOTTE.

Whereas, the National Football League is in the final stages of selecting two new geographical regions to be awarded NFL franchises by October 1992; and

Whereas, Charlotte is among the five sites in contention for one of the franchises; and

Whereas, attending sporting events continues to be a traditional pastime in North Carolina as evidenced by the high attendance of people at both professional and amateur athletic events; and

Whereas, there are no NFL franchises between Atlanta and Washington, D.C.; and

Whereas, the selection of the Carolinas for an NFL franchise site has regional support; and

Whereas, if the Carolinas are selected as an NFL franchise site, the State will reap substantial economic benefits; and

Whereas, a rally will be held on June 10, 1992, in Charlotte to show the region's support for an NFL franchise, and is expected to attract thousands of people and national media attention; and

Whereas, the selection of the Carolinas as an NFL franchise site would further honor and distinguish our State by becoming part of the NFL, a premier sports league; Now, therefore, be it resolved by the Senate:

Section 1. The Senate strongly supports the Carolinas' bid for a National Football League franchise. The Senate further supports the rally to be held on June 10, 1992, in Charlotte and urges the citizens of this State to participate.

Sec. 2. The Principal Clerk shall transmit a certified copy of this resolution to the Carolinas Partnership and to the National Football League.

Sec. 3. This resolution is effective upon adoption.

Adopted June 25, 1992 (See page 152)

S.R. 1260, A SENATE SIMPLE RESOLUTION HONORING HENSON PERRYMOORE BARNES, PRESIDENT PRO TEMPORE OF THE SENATE, AND PROCLAIMING HENSON PERRYMOORE BARNES DAY IN THE SENATE.

Adopted July 1, 1992 (See page 196)

S.R. 1263, A SENATE RESOLUTION HONORING THE FOUNDERS OF CATAWBA COUNTY ON ITS SESQUICENTENNIAL CELEBRATION.

Whereas, by 1840, the residents of the northern section of Lincoln County began to express their dissatisfaction with having to travel a great distance to the county seat of Lincolnton; and

Whereas, in 1842, Nathaniel Wilson was elected to the General Assembly by running a successful political campaign calling for the division of the northern section of Lincoln County; and

Whereas, with the leadership and assistance of Nathaniel Wilson, Catawba County was formed from Lincoln County in 1842; and

Whereas, Catawba County is celebrating its sesquicentennial in 1992; and

Whereas, Catawba County was named for a Native American ethnic group that had lived in that area; and

Whereas, during the formation of Catawba County, the primary ethnic groups included Germans, Scot-Irish, and Africans; and

Whereas, the early settlers made great contributions to the county as farmers and craftsmen; and

Whereas, education was a major concern of the founding fathers of Catawba County and remains a key objective of its current government; and

Whereas, agriculture was the mainstay of Catawba County's economy until World War II, when farming was supplanted by industry; and

Whereas, business and industry have played an integral part in the economic development of Catawba County; and

Whereas, the citizens of Catawba County are proud of their religious heritage which includes many denominations; and

Whereas, the Catawba County Sesquicentennial Planning Committee and volunteers have been planning a year-long commemoration of the establishment of Catawba County; and

Whereas, the Catawba County sesquicentennial year will be observed through educational programs, concerts, ethnic festivals, a fireworks display, aerial displays, dramas, tours, exhibitions, and other entertainment and recreational activities; and

Whereas, this occasion is worthy of recognition by the North Carolina Senate; Now, therefore, be it resolved by the Senate:

Section 1. The Senate wishes to honor the founders of Catawba County and urges all North Carolinians to join the citizens of Catawba County in celebrating the Catawba County Sesquicentennial.

Sec. 2. The Principal Clerk shall transmit a certified copy of this resolution to the Catawba County Sesquicentennial Planning Committee and to the Chair of the Catawba County Board of Commissioners.

Sec. 3. This resolution is effective upon adoption.

Adopted July 14, 1992 (See page 396)

S.R. 1273, A SENATE RESOLUTION URGING THE BUSINESS COMMUNITY IN NORTH CAROLINA TO RECOGNIZE THE IMPORTANT ROLE COMMUNITY CHAMBERS OF COMMERCE PLAY IN NORTH CAROLINA.

Whereas, there are more than 120 Chambers of Commerce in North Carolina, serving communities as large as Charlotte and as small as Beech Mountain; and

Whereas, North Carolina's community Chambers of Commerce act as catalysts for positive change; and

Whereas, each Chamber of Commerce directs its collective resources to essential programs such as education, business training, leadership, military relations, tourism, and a variety of other community and economic development pursuits; and

Whereas, Chambers of Commerce advance the general welfare and prosperity of North Carolina's business community and all of its citizens; and

Whereas, Chambers of Commerce rely exclusively on the talents, energies, and resources of volunteers to conduct their respective program; and

Whereas, North Carolina's economy and quality of life depend on the individual contributions of its community Chambers of Commerce; and

Whereas, Chambers of Commerce are an irreplaceable component of North Carolina's economy and continued well-being and would cease to exist without the broad-based support of their respective business communities;

Now, therefore, be it resolved by the Senate:

Section 1. The North Carolina Senate urges all businesses to recognize the many contributions and vast importance of community Chambers of Commerce, and urges all businesses to invest in the Chambers of Commerce in communities in which they conduct business.

Sec. 2. The Principal Clerk shall transmit a copy of this resolution to the 120 Chambers of Commerce in North Carolina.

Sec. 3. This resolution is effective upon adoption.

EXECUTIVE ORDERS

of the

GOVERNOR OF THE STATE

OF NORTH CAROLINA

JAMES G. MARTIN

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B. 1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued following adjournment *sine die* of the Extra Session of the 1991 General Assembly through July 25, 1992, as summarized below.

The full text of Executive Orders 160 through 173 can be found in the *Session Laws of the 1991 General Assembly, Second Session 1992.*

Executive Order	*Title*	*Date of Issuance*

160 **Amendment to Executive Order Number 152, Persian Gulf War Memorial Commission.** 1/27/92

Adds one at-large member to the existing Persian Gulf War Memorial Commission.

161 **Extension of Executive Orders 12, 13, 27, 29, 39, 55, 109, and 110, Retroactively Extending Various Established Boards and Commissions.** 4/21/92

	Retroactive Date	Extended
Deferred Compensation Plan, Board of Trustees	6/20/91	Two Years
Fund for Children and Families Commission	6/20/91	Two Years
State Health Coordinating Council	6/20/91	Two Years
Governor's Task Force on Racial, Religious, and Ethnic Violence and Intimidation	6/20/91	Two Years
Martin Luther King Holiday Commission	9/30/91	Two Years
Governor's Highway Safety Commission	6/20/91	Two Years
Sports Development Commission	3/29/92	Two Years
Governor's Advisory Council on International Trade	3/29/92	One Year
Travel and Tourism Advisory Committee		Rescinded

162 **Council on Health Policy Information.** 5/1/92

Establishes the Council on Health Policy Information of not less than twenty-one members appointed by the Governor consisting of: State Health Director (Chairman); Director, Division of Medical Assistance, Department of Human Resources; Director, Office of State Planning; Commissioner of Insurance; State Budget Officer; Director, Fiscal Research; Director, Office of Rural Health and Resources Development, Department of Human Resources; Director, Division of Mental Health, Department of Human Resources; Chairperson, Commission for Health Services; Director, Division of Mental Health, Developmental Disabilities, and Substance Abuse, Department of Human Resources; Chairperson, State Health Coordinating Council; President, Association of Local Health Directors; President, North Carolina Hospital Association; President, North Carolina Medical Society; Director, Duke University Institute for Health Policy; President, North Carolina Minority Health Center; President, Citizens for Business and Industry; member of the North Carolina Senate; member of the North

Carolina House of Representatives; Ex-officio members: Director, State Center for Health and Environmental Statistics; Executive Director, Medical Database Commission; Director, Health Policy Unit of Cecil G. Sheps Center for Health Services Research, University of North Carolina School of Public Health. **Report**: to Governor a State Health Data Plan by May 1, 1993 outlining how to enhance data-based health policy-making through statistics and information systems, and institutionalize policy formulation and implementation. **Effective** immediately for two years. Continuation, renewal, or extension dependent upon appropriation of funds.

163 **Amendment of Executive Order Number 151, Governor's Advisory Commission on Military Affairs.** 4/30/92

Increase membership to thirty-five, adding five members to the Commission as follows: **Four** to serve two-year terms at the pleasure of the Governor and **one** permanent member, Executive Director of the North Carolina Ports Authority. **Effective** immediately.

164 **Extending the Provisions of Executive Order Number 114, As Supplemented by Executive Order Number 130 for Fiscal Year 1991-92, Budget Administration/Hiring Freeze.** 5/1/92

Extends the direction to the Office of State Budget and Management to insure the State does not incur a deficit for the biennium to reduce expenditures to operate State departments/institutions; reduce funds to the State Board of Education, State Board of Community Colleges, and to other non-state recipients; halt expenditures for capital improvements not under State contract and transfer unused funds to the General Fund or the Highway Fund; transfer or borrow from any non-General Fund and non-Highway Fund receipts for support of General Fund appropriation expenditures; cancel purchase orders in General Fund supported departments/institutions for insufficient funds. Vacant positions require written approval of the Office of State Budget and Management prior to filling. **Effective** May 1, 1992 until rescinded by further Executive Order.

165 **Extension and Restructuring of Executive Order Number 43, North Carolina Emergency Response Commission.** 4/23/92

Reissues Executive Order Number 43, as amended by Executive Orders Number 48 and 50, retroactive from June 20, 1991 for two years. **Restructures** Commission to be composed of not less than seventeen members, as follows: Director, Division of Emergency Management (Chair)—State Highway Patrol Hazardous Materials Coordinator, Department of Crime Control and Public Safety; Safety Director, Department of Agriculture; Supervisor, Facilities Assessment Unit—Director, Solid Waste Management Division—Director, Radiation Protection Division—Director, Office of Waste Reduction (Pollution Prevention Program), Department of Environment, Health and Natural Resources; Director, Emergency Planning, Division of Highways—Chief, Transportation Inspection, Division of Motor Vehicles (Enforcement Section), Department of Transportation; Manager, Training/Standards Program, Fire and Rescue Services Division, Department of Insurance; Chief, Emergency Medical Services, Division of Facility Services, Department of Human Resources; Six at-large members from local government and private industry with background in emergency response technology appointed by the Governor for two-year terms at the pleasure of the Governor. **Effective** immediately.

166 **Amendment to Executive Order Number 119, North Carolina Quality Leadership Awards Council.** 5/15/92

Increases membership of the Council to not more than thirty by adding four industrial representatives appointed by the Governor.

167 **Amending Executive Order Number 152, Persian Gulf War Memorial Commission, and Establishing the Persian Gulf War Memorial Advisory Committee.** 5/26/92

Amends Persian Gulf War Memorial Commission by **adding** member from the North Carolina Veterans' Council elected by the Council and not more than five at-large members. **Removes** base commanders from Commission. **Establishes** Persian Gulf War Memorial Advisory Committee to consist of base commanders previously on Commission and the Director, United States Department of Veterans' Affairs Regional Office. **Purpose:** Assist Commission in site and design selection; meet with Commission with no vote nor role in fund raising. **Administrative Support:** Departments of Administration and Crime Control and Public Safety to Commission and Advisory Committee. **Effective** immediately.

168 **North Carolina Interagency Council for Coordinating Homeless Programs** 5/29/92

Establishes the North Carolina Interagency Council for Coordinating Homeless Programs. Not less than fourteen members appointed by the Secretary of the Department of Human Resources from the following: Department of Administration, Housing Finance Agency, Office of State Planning, Department of Community Colleges, Department of Cultural Resources, Department of Economic and Community Development, Department of Environment, Health, and Natural Resources, Department of Human Resources, State Board of Education (or designee from Department of Public Instruction), Department of Insurance, Non-profit Agency Concerned with Services for Homeless, Member of the Senate, Member of the House of Representatives. **Terms:** two years/staggered. **Initial appointments:** seven for one year, seven for two years. Deputy Secretary of the Department of Human Resources shall chair. **Duties:** Identify state-level programs and services; define state agency responsibility; develop policies to facilitate sharing information among agencies, interagency referrals, reduce and eliminate barriers, maximize use of resources, and facilitate cost sharing; identify new sources and review current sources of funding; prepare an annual report of fiscal, programmatic, and legislative action. **Effective:** immediately to expire in two years.

169 **Criminal Record Checks of Applicants for Direct Care Positions Within the Department of Human Resources** 6/26/92

Requires the Department of Human Resources to conduct a criminal background investigation for individuals selected for employment in a direct patient/resident/client care position. Individuals required to sign a statement advising a background investigation will be conducted and may be used to deny employment. The Department of Human Resources shall deny or discontinue employment of any person who has been convicted of a criminal offense of unlawful sexual conduct, assault or other violent behavior, or any type of child, elder, or client abuse, or any felony for possession or sale of controlled substances. The Department of Justice shall charge the Department of Human Resources a reasonable fee to conduct the check not to exceed the actual cost. All information obtained shall be confidential and unauthorized disclosure may result in disciplinary action including dismissal. **Effective** immediately.

170 **Amendment to Executive Orders Number 151 and Number 163, Governor's Commission on Military Affairs** 6/29/92

Increases the total membership of the Commission to thirty-six by adding one member to serve a two-year term at the pleasure of the Governor.

The following Executive Orders received following adjournment sine die are on file in the Office of the Senate Principal Clerk.

171 **Extension of Executive Order 45, Governor's Language Institutes Advisory Board** 7/13/92

Reissues for a period of two years, unless terminated earlier or extended by further Executive Order. **Effective** immediately.

172 **Increased Recycled Product Procurement and Expanded Solid Waste Reduction Activity by State Agencies** 7/24/92

Directs State departments to reduce amount of solid waste generated, to recycle, and to utilize recycled products. Each department shall ensure that employees have access to containers for recycling, and are educated about recycling goals. Each department shall **report** annually beginning October 1, 1993, to the Office of Waste Reduction, Department of Environment, Health and Natural Resources on amounts and types of materials recycled and recycled materials purchased, and programs implemented to reduce waste generated. Office of Waste Reduction shall compile information from departments and report annually to the Governor. All departments shall require two-sided copying whenever feasible. All new machines shall have duplexing capabilities if rated at sixty thousand copies or more per month. **Effective** immediately.

173 **Extending Executive Order 106, Which Extended Executive Order 66, State Employees Combined Campaign** 7/24/92

As title indicates

APPOINTMENTS

SHARED BY THE LIEUTENANT GOVERNOR AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The following appointments to Boards, Commissions and Committees were made during 1991 and 1992 by the President of the Senate, the Honorable James C. Gardner, Lieutenant Governor, and the Honorable Daniel T. Blue, Jr., Speaker of the House of Representatives (confirmed by documents on file).

Chapters 3, 714, 756, 759, 978, and 1038 of the 1991 Session Laws, were enacted in compliance with G.S. 120-121 which outlines the procedure for legislative appointments. Vacancies occurring in legislative appointments are addressed in G.S. 120-122.

Appointments prior to 1989 were made by a former Lieutenant Governor and prior to 1989 and 1991 by former Speakers but remain in effect.

		Appointed	Expires
ADMINISTRATIVE RULES REVIEW COMMISSION —see RULES REVIEW COMMISSION			
ADVISORY BUDGET COMMISSION G.S. 143-4—see also Ch. 739, Sec. 22, 1991 S.L. (S.B. 801)	Term-Pleasure of appointive authority		
(Lt. Gov.)	Senator Howard F. Bryan	2/24/92	
	Senator Robert C. Carpenter	2/24/92	
	Senator Betsy L. Cochrane	8/24/89	
	Senator N. Leo Daughtry	2/24/92	
	Senator Robert G. Shaw	3/9/89	
(Speaker)	Rep. Milton F. Fitch	9/10/91	12/31/92
	Rep. Karen E. Gottovi		
	Rep. L. Reginald Jeralds		
	Rep. George W. Miller, Jr.		
	Rep. Martin L. Nesbitt, Jr.		
AGING, GOVERNORS ADVISORY COUNCIL G.S. 143B-181	Term-four years/staggered		
(Lt. Gov.)	Dr. Russell Sacco*	7/1/90	6/30/94
	Ms. Clara S. Simon* (Resigned)	7/1/91	6/30/95
	Rev. Richard R. Blankenhorn* [UT—Simon*]	9/25/92	6/30/95
(Speaker)	Mr. Grady Galloway*	7/13/88	6/30/92
	Dr. John R. Kernodle*	7/1/90	6/30/94

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments		Appointed	Expires
AGING, NORTH CAROLINA STUDY COMMISSION			Term-two years
G.S. 120-182—see also Ch. 739, Sec. 18-19, 1991 S.L. (S.B. 801)			
(Lt. Gov.)	Senator Betsy L. Cochrane (Co-Ch)	9/15/91	9/15/93
	Senator Robert C. Carpenter		
	Senator Robert L. Martin		
	Senator James F. Richardson		
	Senator James D. Speed		
	Mr. Gerald P. Cox*		
	Ms. Lisa B. Morris*		
	Mr. Melvin Charles Strum*		
(Speaker)	Rep. James Green (Co-Ch)	10/24/91	
	Rep. Narvel J. Crawford		
	Rep. Bradford Ligon		
	Rep. Charles McLawhorn		
	Rep. Peggy Wilson		
	Mrs. Mickey Hanula*		
	Mr. Robert O. Hill, Jr.*		
	Mr. Kenneth M. McIntyre*		
AGRICULTURAL FINANCE AUTHORITY, NORTH CAROLINA			
G.S. 122D-4			Term-three years
(Lt. Gov.)	Mr. Carlyle B. Ferguson*	7/22/92	6/30/95
	Mr. John C. Howard*		
	Mr. Joseph D. Teachey, Jr.*		
(Speaker)	Mr. Johnnie Evans*	8/21/89	6/30/92
	Ms. Trudy Early*	8/3/92	6/30/95
	Mr. Fincher Martin*	8/3/92	6/30/95
AGRICULTURE, FORESTRY AND SEAFOOD AWARENESS STUDY COMMISSION			Term-two years
G.S. 120-150—see Ch. 785, 1991 S.L. (S.B. 1066)			
(Lt. Gov.)	Mr. James Berry*	10/24/91	9/30/93
	Mr. Hubert G. Lowe*		
	Mr. L. Carroll Yeomans*		
(Speaker)	Rep. Charles W. Albertson	10/1/91	10/1/93
	Rep. Vernon G. James		
	Rep. Edith L. Lutz		
	Rep. Raymond M. Thompson		
(Statutory)			
	(Chairman—Senate Agriculture Committee)	Senator James D. Speed	
	(Chairman—House Agriculture Committee)	Representative Vernon James	
ALARM SYSTEMS LICENSING BOARD			Term-three years
G.S. 74D-4—see Ch. 953, Sec. 3, 1991 S.L. (S.B. 340)			
(Lt. Gov.)	Hon. Daniel J. Good*	7/27/92	6/30/95
	Mr. Bruce Daniel Michelsen*	7/30/90	6/30/93
(Speaker)	Mr. J. Carlton Cole*	8/3/92	6/30/95
	Mr. W. Ray McLester*	7/29/91	6/30/94

ALZHEIMER'S—see AGING, NORTH CAROLINA STUDY COMMISSION
G.S. 120-186

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments		Appointed	Expires
ARBORETUM, WESTERN NORTH CAROLINA, BOARD OF DIRECTORS			Term-four years
G.S. 116-243			
(Lt. Gov.)	Mr. J. Michael Plemmons*	7/30/90	6/30/94
	Ms. Lois R. Ferm, Ph.D.*	7/22/92	6/30/96
(Speaker)	Mrs. Ann McKenney*	7/31/90	6/30/94
	Mr. Barney P. Woodard, Jr., ASA*	8/3/92	6/30/96
ART, NORTH CAROLINA MUSEUM OF - BOARD OF TRUSTEES			Term-two years
G.S. 140-5.13(b)(5)—see also Ch. 756, Sec. 35, 1991 S.L. (H.B. 274)			
(Lt. Gov.)	Mrs. Marie T. Gardner*	7/18/91	6/30/93
	Ms. Sara Lynn Kennedy*	8/15/91	6/30/93
(Speaker)	Mr. Ivie L. Clayton*	8/1/91	6/30/93
	Mrs. Betty B. Adams*	8/1/91	6/30/93
BANKING COMMISSION, STATE			Term-four years
G.S. 53-92			
(Lt. Gov.)	Mr. Henry G. Williamson, Jr.*	7/18/91	3/31/95
(Speaker)	Mr. Charles H. Mercer, Jr.*	8/5/91	6/30/95
BIOTECHNOLOGY CENTER, NORTH CAROLINA—BOARD OF DIRECTORS			Term-four years
By-Laws			
(Lt. Gov.)	Dr. Frederick W. Glass*	8/21/91	7/31/93
	Mr. Samuel Bascomb Moore*		
	Dr. James E. Niedel*		
	Mr. William H. Emory III*		
	Rep. H. Clayton Loflin		
(Speaker)	Dr. Edward B. Fort*	10/21/91	7/31/93
	Dr. James Burchall*		
	Mr. Donald E. Ball*		
	Mr. James O. Roberson*		
	Rep. Edward A. Warner, Jr.		
BLIND, CONSUMER AND ADVOCACY ADVISORY COMMITTEE FOR THE			Term two-years
G.S. 143B-164—see also Ch. 739, Sec. 27, 1991 S.L. (S.B. 801)			
(Lt. Gov.)	Senator Joseph B. Raynor	7/16/91	6/30/93
(Speaker)	Rep. Jo Graham Foster	9/6/91	6/30/93
CAPITAL PLANNING COMMISSION			Term-Coincides with term of Office
G.S. 143B-374—see also Ch. 739, Sec. 28, 1991 S.L. (S.B. 801)			
(Lt. Gov.)	Senator N. Leo Daughtry	4/2/91	
	Senator Joseph E. Johnson		
	Senator Robert G. Shaw		
	Senator J. K. Sherron		
(Speaker)	Rep. Aaron E. Fussell (Designee)	3/21/91	1/30/93
	Rep. Robert J. Hensley		
	Rep. Larry M. Jordan		
	Rep. James Arthur Pope		
	Rep. Peggy M. Stamey		

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments	Appointed	Expires
CEMETERIES, ADVISORY COMMITTEE ON ABANDONED		
G.S. 143B-128	Term-four years	
(Lt. Gov.) Mr. Ralph Yates*	7/1/85	6/30/89
(Speaker) Rep. Howard J. Hunter	9/5/91	6/30/95
CHILD DAY-CARE—see DAY-CARE		
CHILDREN AND YOUTH, GOVERNOR'S ADVOCACY COUNCIL ON		
G.S. 143B-415—see Ch. 739, Sec. 31 (SB 801);		
Ch. 1038, Sec. 21 (HB 1343), 1991 S.L.	Term-four years	
(Lt. Gov.) Senator Betsy L. Cochrane	7/8/91	6/30/93
Senator Robert C. Carpenter		
(Speaker) Rep. Peggy Wilson	10/19/89	6/30/93
Rep. Ruth Easterling		
CHILDREN WITH SPECIAL NEEDS, COMMISSION ON	Term-Pleasure of appointive authority	
G.S. 120-58—see also Ch. 739, Sec. 14, 1991 S.L. (S.B. 801)		
(Lt. Gov.) Senator John Carter	8/13/91	
Senator Lura S. Tally		
Senator Marvin Ward		
Dr. James D. Thullen*		
(Speaker) Rep. Howard C. Barnhill	9/10/91	
Rep. W. Bruce Ethridge		
Rep. Mary E. McAllister		
Ms. Sally Sloop*		
CHIROPRACTIC EXAMINERS, STATE BOARD OF		
G.S. 90-139(b)		
(Lt. Gov.)(Term-Three years)		
Dr. Ricky R. Sides*	7/22/92	6/30/95
(Speaker)(Term-Two years)		
Dr. Tracy R. Watson*	8/5/91	6/30/93
CHOWAN INTERSTATE COMMISSION	Term-Not Specified	
In cooperation with Virginia General Assembly		
Ch. 757, Sec. 207, 1985 S.L.; Ch. 738, Sec. 157, 1987 S.L.		
(Lt. Gov.) Senator Marc Basnight (Co-Ch)	9/28/87	6/30/89
Senator William Barker		
Senator J. J. Harrington		
Senator R. P. Thomas		
Senator Lura Tally		
(Speaker) Rep. William T. Watkins (Co-Ch)	9/29/87	6/30/89
Rep. Brewster Brown		
Rep. Howard Chapin		
Rep. Vernon James		
Rep. R. M. Thompson, Sr.		

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments	Appointed	Expires
CODE OFFICIALS QUALIFICATION BOARD, NORTH CAROLINA	Term four-years/staggered	
G.S. 143-151.9		
(Lt. Gov.) Mr. Brewster Ward*	8/30/89	6/30/93
Mr. Arthur L. Kennedy*	7/1/90	6/30/94
Mr. Billy Thomas McDaniel*	7/1/91	6/30/95
Mr. L. Gene Morton*	7/24/92	6/30/96
(Speaker) Mr. James W. Brummit, Jr.*	12/19/89	6/30/93
Mr. Ernest Frank Davis*	8/3/92	6/30/96
Mr. Charles England*	12/19/89	6/30/93
Mr. G. Alan Jones*	8/23/91	6/30/95

COMPREHENSIVE MAJOR MED. PLAN, TEACHER'S AND STATE EMPLOYEES'—see **MAJOR MEDICAL PLAN**

COSMETIC ART EXAMINERS, STATE BOARD OF	Term two-years	
G.S. 88-13		
(Lt. Gov.) Ms. Patricia Louise Tippett*	7/30/90	6/30/93
(Speaker) Ms. Mary Hardy*	8/3/92	6/30/95

COURTS COMMISSION, NORTH CAROLINA	Term four-years	
G.S. 7A-506—see also Ch. 739, Sec. 7, 1991 S.L. (S.B. 801)		
(Lt. Gov.) Senator Bill Barker	8/24/89	6/30/93
Senator Austin Allran [UT—JC Johnson]	9/20/89	6/30/93
Senator R. C. Soles,Jr.	8/24/89	6/30/93
Mr. Robert W. Cook*	7/1/91	6/30/95
Mr. Paul "Skip" Stam*	7/1/91	6/30/95
Mr. Charles L. Steel, IV*	7/1/91	6/30/95
(Speaker) Rep. Robert C. Hunter	9/6/91	6/30/95
Rep. Charles L. Cromer	1/2/90	6/30/93
Rep. David T. Falherty, Jr.	1/2/90	6/30/93
Mrs. Nancy C. Patteson*	1/2/90	6/30/93
Rep. Donald M. Dawkins	9/6/91	6/30/95
Rep. Annie B. Kennedy	9/6/91	6/30/95

CRIME COMMISSION	Term-two years	
G.S. 143B-478—see also Ch. 739, Sec. 32, 1991 S.L. (S.B. 801)		
(Lt. Gov.) Senator Joe Raynor	4/19/91	2/28/93
Senator John Carter		
(Speaker) Rep. Henry M. Michaux, Jr.	5/8/91	2/28/93
Rep. Robert J. Hensley, Jr.		

CRIME VICTIMS COMPENSATION COMMISSION	Term-four years	
G.S. 15B-3(a)		
(Lt. Gov.) Mr. A. A. Adams*	7/18/91	6/30/95
(Speaker) Mr. Mark D. Donaldson*	7/30/91	6/30/95

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION	Term-two years	
G.S. 17C-3		
(Lt. Gov.) Hon. Robert G. Redmond* (Resigned)	7/18/91	6/30/93
Hon. Katherine Lee Payne* [UT—Redmond*]	11/8/91	6/30/93
(Speaker) Mr. Charles P. Farris, Jr.*	7/31/91	6/30/93

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments		Appointed	Expires
DAY-CARE COMMISSION OF THE DEPARTMENT OF HUMAN RESOURCES		Term two-years/staggered	
G.S. 143B-168.4			
(Lt. Gov.)	Ms. Marilyn Lee*	7/22/92	6/30/94
	Rev. Barry Shearer*	7/22/92	6/30/94
	Ms. Marleen A. Carter*	7/18/91	6/30/93
	Mr. Dionne L. Shaw* (Resigned)	7/18/91	6/30/93
	Ms. Cindy Rouse Watts* [UT—Shaw*]	9/17/92	6/30/93
(Speaker)	Mr. Christopher E. McClure*	8/3/92	6/30/94
	Mrs. Joanne Byrd*	8/4/92	6/30/94
	Dr. Donna M. Bryant* (Resigned)	7/30/91	6/30/93
	Ms. Camille F. Hawks* [UT—Bryant*]	9/29/92	6/30/93
	Ms. Floriana J. Thompson*	7/30/91	6/30/93
DEFERRED COMPENSATION PLAN, NORTH CAROLINA PUBLIC EMPLOYEE		Term-two years	
G.S. 143B-426.24			
(Lt. Gov.)	Mr. Chester W. Crisp*	7/18/91	6/30/93
(Speaker)	Mr. Herbert L. Dawson*	8/1/91	6/30/93
DIETETICS/NUTRITION, NORTH CAROLINA BOARD		Term-three years/staggered	
G.S. 90-353—see Ch. 668, Sec. 1, 1991 S.L. (H.B. 564)			
(Lt. Gov.)	Ms. Lisa Blake Hooks*	10/16/91	6/30/93
	Ms. Janet A. Savesky*	10/16/91	6/30/94
(Speaker)	Ms. Margaret E. Molloy*	10/1/91	9/30/93
	Ms. Arnette Teresa Cowan*	10/1/91	9/30/94
DISABILITIES, GOVERNOR'S ADVOCACY COUNCIL ON PERSONS WITH		Term-two years	
G.S. 143B-403.2—see also Ch. 608, 1991 S.L. (H.B. 332)			
(Lt. Gov.)	Mr. William Brantley*	3/2/92	6/30/93
	Ms. Cynthia Harton*		
	Ms. Gale A. Kirk*		
	Mr. Max V. Krebs*		
	Mr. Charles P. Nicholson, Jr.*		
	Mr. Wayne E. Shevlin*		
	Ms. Betty R. Will*		
(Speaker)	Ms. Jeannie Jo Bell*	3/10/92	6/30/93
	Ms. Jessie M. DeVane*		
	Mrs. Jo Anne Jeffries*		
	Mr. George McCoy*		
	Mr. Ben Murray*		
	Mr. Edward T. Smith*		
	Ms. Shirley M. Smith*		
DISABILITY TASK FORCE OF THE DEPARTMENT OF HUMAN RESOURCES			
Ch. 1034, Sec. 64, 1983 S.L.; Ch. 757, Sec. 82, 1985 S.L.			
(Lt. Gov.)	Mr. Charles McBrayer Sasser*	9/19/85	
(Speaker)	Rep. Barney Paul Woodard	3/18/91	1/30/93

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments	Appointed	Expires
DISCIPLINARY HEARING COMMISSION OF NORTH CAROLINA STATE BAR	Term-three years	
G.S. 84-28.1		
(Lt. Gov.) Mr. Frank L. Boushee*	7/14/92	6/30/95
(Speaker) Mr. James Lee Burney*	10/14/91	6/30/94
ECKERD WILDERNESS EDUCATIONAL SYSTEM, NORTH CAROLINA BOARD	Term-three years/staggered	
By-laws of EWES of North Carolina		
(Lt. Gov.) Senator Harold Hardison	7/25/88	6/30/91
Senator Kenneth C. Royall, Jr.	7/30/87	6/30/90
(Speaker) Rep. John B. McLaughlin	3/18/87	6/30/91
Rep. J. Paul Tyndall	7/6/87	6/30/90
ECONOMIC DEVELOPMENT BOARD	Term-Coincides with term of Office	
G.S. 143B-434—see Ch. 1038, Sec. 22, 1991 S.L. (H.B. 1343)		
(Lt. Gov.) Mr. James C. Hastings (Designee)	10/21/91	
(Speaker) Rep. Albert S. Lineberry (Designee)	3/4/91	
EDUCATION COMMISSION OF THE STATES	Term-two years	
G.S. 115C-104—see also Ch. 369, 1991 S.L. (H.B. 241)		
(Lt. Gov.) Senator Marvin Ward	7/1/91	6/30/93
(Speaker) Rep. David H. Diamont	3/21/91	1/30/93
EDUCATIONAL FACILITIES FINANCE AGENCY	Term-four years	
Ch. 794, 1985 S.L. (H.B. 953, Sec. 4)		
(Lt. Gov.) Mr. Max T. Lowery*	5/22/92	4/11/96
(Speaker) Mr. Walter W. Baucom*	4/6/88	4/11/92
EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN, COUNCIL	Term-two years	
G.S. 115C-121—see also Ch. 739, Sec. 12 (SB 801); Ch. 1038, Sec. 13 (HB 1343), 1991 S.L.		
(Lt. Gov.) Senator John Carter	7/8/91	6/30/93
Senator Frank W. Ballance, Jr.		
(Speaker) Rep. Charlotte A. Gardner	9/6/91	6/30/93
Rep. Aaron E. Fussell		
EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL	Term-Coincides with term of Office	
G.S. 143-510—see also Ch. 739, Sec. 24, 1991 S.L. (S.B. 801)		
(Lt. Gov.) Senator James Forrester	4/19/91	
Senator James F. Richardson		
(Speaker) Rep. Charles M. Beall	9/6/91	
Rep. Daniel DeVane		
EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE	Term-two years	
G.S. 135-38—see also Ch. 739, Sec. 21, 1991 S.L. (S.B. 801)		
(Lt. Gov.)		12/31/92
Senator Marc Basnight - Chairman Appropriations (Co-Ch)		
Senator Henson P. Barnes - President Pro Tempore		
Senator Ted Kaplan - Majority Leader		
Senator George B. Daniel - Chairman Finance		
Senator James Forrester	7/8/91	6/30/93
Senator Austin M. Allran		

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments		Appointed	Expires
EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE (Continued)			
(Speaker)	Rep. Howard C. Barnhill	9/6/91	6/30/93
	Rep. R. D. Beard		
	Rep. Robert Brawley		
	Rep. John C. Hasty		
	Rep. Doris Huffman		
	Rep. Mary C. McAllister		
ENERGY POLICY COUNCIL, NORTH CAROLINA		Term–two years	
G.S. 113B-3—see also Ch. 739, Sec. 10, 1991 S.L. (S.B. 801)			
(Lt. Gov.)	Senator Richard Conder	4/24/91	1/31/93
	Senator Tommy Pollard		
(Speaker)	Rep. Judy F. Hunt	9/5/19	1/31/93
	Rep. John H. Kerr III		
ENVIRONMENTAL MANAGEMENT COMMISSION		Term–two years	
G.S. 143B-283			
(Lt. Gov.)	Mr. Douglas S. Boykin*	7/18/91	6/30/93
	Mr. Winston W. Pulliam*		
(Speaker)	Mr. Michael K. Barnes*	7/30/91	6/30/93
	Mr. Donald Ensley*	7/30/91	6/30/93
ENVIRONMENTAL REVIEW COMMISSION		Term–Pleasure of appointing authority	
G.S. 120-70.42—see also Ch. 739, Sec. 5-6, 1991 S.L. (S.B. 801)			
(Lt. Gov.)	Senator Russell G. Walker (Co-Ch)	5/21/91	
	Senator Marc Basnight		
	Senator John G. Blackmon		
	Senator Dan R. Simpson		
	Senator Lura Tally		
	Senator James S. Forrester	4/13/92	
(Speaker)	Rep. Joe Hackney (Co-Ch)	4/30/91	1/30/93
	Rep. Arlie F. Culp		
	Rep. Daniel DeVane		
	Rep. Bruce Ethridge		
	Rep. Karen E. Gottovi		
	Rep. Coy C. Privette		
ETHICS, LEGISLATIVE COMMITTEE		Term–Coincides with term of Office	
G.S. 120-99—see also Ch. 700 (H.B. 1106); Ch. 739, Sec. 15, 1991 S.L. (S.B. 801)			
(Lt. Gov.)	Senator Betsy L. Cochrane (Chairman beginning 1/1/91)		
	Senator Austin M. Allran	3/6/91	
	Senator Fletcher L. Hartsell, Jr.		
	Senator Mary P. Seymour		
	Senator Edward N. Warren		
(Speaker)	Rep. Annie B. Kennedy (Chairman beginning 1/1/92)		
	Rep. Marie W. Colton	3/26/91	
	Rep. W. W. Dickson		
	Rep. Nick Jeralds		
	Rep. Johnathon L. Rhyne, Jr.		

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments		Appointed	Expires
FARMERS MARKET COMMISSION, NORTHEASTERN NORTH CAROLINA		Term-four years/staggered	
G.S. 106-720			
(Lt. Gov.)	Dr. Edmund Estes*	7/15/88	6/30/92
	Mr. Tom H. Shepherd*	7/15/88	6/30/92
	Mr. Sam Walker*	7/16/86	6/30/90
	Ms. Grace Bonner*	7/16/86	6/30/90
(Speaker)	Mr. M. Wayne Miller*	8/21/87	6/30/92
	Mr. Don Baker*	7/16/86	6/30/90
	Rev. James M. Johnson*	7/16/86	6/30/90
FARMERS MARKET COMMISSION, SOUTHEASTERN NORTH CAROLINA		Term-four years/staggered	
G.S. 106-727			
(Lt. Gov.)	Mr. Wayne Miller*	7/15/88	6/30/92
	Mr. J. T. Wellington*	7/15/88	6/30/92
	Mr. Durwood Sinclair*	7/16/86	6/30/90
	Mr. Al Parker*	7/16/86	6/30/90
(Speaker)	Mr. Samuel L. Harrell*	7/13/88	6/30/92
	Mr. Lacy Cummings*	7/31/90	6/30/94
	Mr. Henry A. McLaurin*	7/31/90	6/30/94
	Mr. Lycurous Lowry*	8/3/92	6/30/96
FARMWORKER COUNCIL, NORTH CAROLINA			
G.S. 143B-426.25—see also Ch. 130, 1991 S.L. (H.B. 409)			
(Lt. Gov.)	Ms. Cheryl D. Benson*	7/18/89	
	Mr. William L. Garrison*		
(Speaker)	Rep. Charles F. Buchanan	9/5/91	6/30/93
	Rep. Leo Mercer		
FIRE COMMISSION, STATE		Term-three years	
G.S. 58-27.30—Recodified—see G.S. 58-78-1			
(Lt. Gov.)	Mr. Robert Bruce Hoyle*	7/30/90	6/30/93
(Speaker)	Mr. H. T. Taylor, Sr.*	10/1/89	9/30/92
GENERAL STATUTES COMMISSION		Term-two years	
G.S. 164-14—see also Ch. 739, Sec. 33, 1991 S.L. (S.B. 801)			
(Lt. Gov.)	Senator Fletcher L. Hartsell, Jr.	6/1/91	5/31/93
(Speaker)	Rep. A. B. Kennedy	5/30/91	5/31/93
HEALTH INSURANCE TRUST COMMISSION, NORTH CAROLINA		Term-three years/staggered	
G.S. 58A-4—Recodified—see G.S. 58-68-10			
(Lt. Gov.)	Mr. Dennis R. Barry*	8/24/87	6/30/90
	Dr. Charles E. Cook*	7/15/88	6/30/91
	Mr. Roger W. Isaac*	8/14/89	6/30/92
	Mr. Kenneth E. Morris III*	8/14/89	6/30/92
(Speaker)	Mr. Shannon Brown*	8/26/87	6/30/91
	Mr. John R. Griffin, Jr.*	8/21/89	6/30/92
	Dr. Blair Harrold*	7/31/90	6/30/93
	Dr. Michael L. Steiner*	7/13/88	6/30/91

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments	Appointed	Expires
HOLOCAUST, NORTH CAROLINA COUNCIL ON THE	Term–two years	
G.S. 143B-216.21		
(Lt. Gov.) Ms. Anita Berman*	7/1/91	6/30/93
Ms. Mary Gut*		
Ms. June Horvitz*		
Ms. Rochelle (Shelly) Weiner*		
Reverend Paul Gordon*		
Mr. Gary D. Zaetz*		
(Speaker) Rep. Bertha Holt	9/4/91	6/30/93
Rep. Peggy M. Stamey		
Rev. Collins Kilburn*		
Dr. David M. Crowe*		
Rev. Roosevelt Wilkerson, Jr.*		
Rep. Warren C. Oldham	9/11/91	6/30/93
HOUSING FINANCE AGENCY, BOARD OF DIRECTORS		
G. S. 122A-4	Term–two/four years	
(Lt. Gov.) Mr. Donald B. Barnes*	7/18/91	6/30/95
Mr. William T. Boyd*	8/14/89	6/30/93
Mr. M. Charles Mullen*	7/18/91	6/30/93
Mr. Clyde T. Wood, Jr.*	7/18/91	6/30/93
(Speaker) Mr. Thomas L. Council*	7/31/91	6/30/93
Ms. Eleanor Nunn*	7/31/91	6/30/93
Ms. Sheila A. Nader*	7/31/91	6/30/93
Mr. Cecil J. Hill*	7/31/91	6/30/93
HOUSING PARTNERSHIP, NORTH CAROLINA	Term–three years	
G.S. 122E-4		
(Lt. Gov.) Mr. Herschel Redding*	9/1/90	8/31/93
Ms. Betty Jean "B.J." Harris*	7/30/90	8/31/93
Mr. David J. Meachem*	9/1/90	8/31/93
Mr. John Vereen* (Resigned)	9/1/90	8/31/93
Mr. Terry David Barbee* [UT—Vereen*]	10/16/91	8/31/93
Mr. Carl E. Worsley, Jr.*	9/1/90	8/31/93
(Speaker) Mr. Anthony Christopher Cardez*	9/1/90	8/31/93
Mrs. Patricia G. Garrett*		
Mr. Willard A. Gourley, Jr.*		
Mr. Donald M. Saunders* [Resigned]		
Mr. Everette Stiles*		
Mr. Abdul Sm Rasheed* [UT—Saunders*]	1/29/92	8/31/93
HUMAN RELATIONS COMMISSION	Term–four years	
G.S. 143B-392—see Ch. 1038, Sec. 20, 1991 S.L. (H.B. 1343)		
(Lt. Gov.) Mr. Kenneth M. Robertson, Jr.*	7/1/90	6/30/94
Honorable Ronald E. Bogle*	7/1/90	6/30/94
(Speaker) Dr. Francis W. Slate*	7/1/90	6/30/94
Mr. William N. Chestnut*	10/8/90	6/30/94
INAUGURAL CEREMONIES COMMITTEE		
Term–July 1 election years—seven days after inauguration		
G.S. 143-533—see also Ch. 739, Sec. 25, 26, 1991 S.L. (S.B. 801)		
(Lt. Gov.) (Not available at time of printing)		
(Speaker) Rep. Marie W. Colton	10/5/92	
Rep. Jack Hunt		
Rep. Annie B. Kennedy		

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments	Appointed	Expires
INDIAN AFFAIRS, NORTH CAROLINA COMMISSION OF	Term-two years	
G.S. 143B-407—see also Ch. 88, (H.B. 350); Ch. 467, (H.B. 595), 1991 S.L.		
(Lt. Gov.) Mr. Harold Cummings*	7/18/91	6/30/93
(Speaker) Mr. Jim R. Lowry*	8/5/91	6/30/93
INDIAN EDUCATION, STATE ADVISORY COUNCIL ON		
G.S. 115C-210.1—see also Ch. 739, Sec. 13, 1991 S.L. (S.B. 801)		
(Lt. Gov.) Senator David Parnell	5/25/89	
(Speaker) Rep. Adolph L. Dial	5/8/91	
INFANT MORTALITY, GOVERNOR'S COMMISSION ON REDUCTION OF	Term-Pleasure of Governor	
Executive Order No. 99		
(Lt. Gov.) Senator James S. Forrester	1/1/92	12/31/94
(Speaker) Rep. Luther R. Jeralds	10/21/91	12/31/93
INTERNSHIP COUNCIL, NORTH CAROLINA	Term-Pleasure of Authority	
G.S. 143B-418		
(Lt. Gov.) Ms. Vivian S. Sitton*	7/18/89	
(Speaker) Ms. Josephine A. Cialone*	10/15/91	6/30/93
INTERSTATE COOPERATION, NORTH CAROLINA COUNCIL ON	Term-two years	
G.S. 143B-380—see also Ch. 739, Sec. 29, 1991 S.L. (S.B. 801)—Abolished—see Ch. 912, 1991 S.L.		
(Lt. Gov.) Senator Howard F. Bryan	7/8/91	6/30/93
Senator R. L. Martin		
Senator Paul S. Smith		
(Speaker) Rep. J. Fred Bowman (Designee)	9/5/91	6/30/93
Rep. Charles W. Albertson		
Rep. Ed Bowen		
Rep. Judy Hunt		
JUVENILE LAW STUDY COMMISSION	Term-two/four years	
G.S. 7A-740—see also Ch. 739, Sec. 8, 1991 S.L. (S.B. 801)		
(Lt. Gov.) Senator Austin M. Allran	7/22/92	6/30/94
Senator Fletcher L. Hartsell, Jr.	7/22/92	6/30/94
(Speaker) Rep. Robert H. Hensley, Jr.	9/23/92	6/30/94
Rep. Stephen W. Wood		
LEGISLATIVE ETHICS COMMITTEE—see ETHICS, LEGISLATIVE COMMITTEE		
LIABILITY INSURANCE COMMISSION, PUBLIC OFFICERS AND EMPLOYEES	Term-four years	
G.S. 58-27.20—Recodified—see G.S. 58-32-1		
(Lt. Gov.) Mr. Kenneth E. Morris, Jr.* (Resigned)	7/18/91	6/30/95
Mr. Charles K. Royall, Jr.* (UT—Morris*)	7/22/92	6/30/95
(Speaker) Mr. Welton Barnes, Sr.*	8/5/91	6/30/95
Ex-Officio-Commissioner of Insurance (James E. Long)		
Secretary of Crime Control (Joseph W. Dean)		
Attorney General (Lacy H. Thornburg)		

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments	Appointed	Expires
LIBRARY COMMISSION, STATE		Term-four years
G.S. 143B-90—see also Ch. 757, Sec. 2, 1991 S.L. (S.B. 350)		
(Lt. Gov.) Ms. Lynda J. Blount*	12/16/91	6/30/95
(Speaker) Ms. Ophelia M. Irving*	9/10/91	6/30/95
LITERACY, GOVERNOR'S ADVISORY COUNCIL ON	Term-Pleasure of appointive authority	
Executive Order No. 90		
(Lt. Gov.) Senator John Carter	4/2/91	
(Speaker) Rep. Howard B. Chapin	5/18/91	
LOCAL GOVERNMENT ADVOCACY COUNCIL	Term-Coincides with term of Office	
G.S. 143-506.14—see also Ch. 739, Sec. 23, 1991 S.L. (S.B. 801)		
(Lt. Gov.) Senator John G. Blackmon	4/24/91	1/15/93
Senator R. L. Martin		
(Speaker) Rep. John J. Hunt	5/31/91	1/15/93
Rep. Charles L. McLawhorn		
LOCAL GOVERNMENT COMMISSION		Term-four years
G.S. 159-3		
(Lt. Gov.) Mr. Charles V. Ricks*	7/20/89	6/30/93
(Speaker) Dr. David E. Henson*	10/20/89	6/30/93
LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT AUTHORITY		Term-four years
G.S. 104G-5		
(Lt. Gov.) Mr. Marcus B. Crotts*	8/24/87	6/30/93
Mr. Frederick Lee Van Swearingen*	7/22/92	6/30/96
Mr. Murphy Thomas Wagner, Ph.D.*	7/30/90	6/30/94
Mr. James Robert McLester*	7/18/91	6/30/95
Mr. Joe Beck* (Resigned)	7/18/91	6/30/95
Mr. Garris D. Parker* [UT—Beck*]	8/13/91	6/30/95
(Speaker) Mr. David Felmet, Sr.*	7/31/90	6/30/94
Dr. Raymond L. Murray*	8/26/87	6/30/93
Hon. Carolyn Allen*	7/31/91	6/30/95
Mr. R. Lynn McCaskill* (Resigned)	7/31/91	6/30/95
Dr. Fred McQueen* [UT—McCaskill*]	3/10/92	6/30/95
Mr. Robert B. Heater*	8/27/92	6/30/96
LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT COMMISSION, ADVISORY COMMITTEE		Term-two years
G.S. 104F-4		
(Lt. Gov.) Senator Paul S. Smith	7/1/91	6/30/93
Mr. J. Richard Cottingham*		
(Speaker) Rep. Joe Hackney	9/4/91	7/15/93
Rep. George W. Miller, Jr.		
LOW-LEVEL RADIOACTIVE WASTE, JOINT SELECT COMMITTEE	Term-Pleasure of appointive authority	
G.S. 120-70.32—see also Ch. 739, Sec. 3-4, 1991 S.L. (S.B. 801)		
(Lt. Gov.) Senator Joe Johnson (Co-Ch)	7/29/88	
Senator J. Richard Conder		
Senator Wm. N. Martin		
Senator Lura Tally		
Senator Russell Walker		
Senator Paul S. Smith	5/3/89	

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments		Appointed	Expires
LOW-LEVEL RADIOACTIVE WASTE, JOINT SELECT COMMITTEE (Continued)			
(Speaker)	Rep. Dennis A. Wicker (Co-Ch)	4/30/91	
	Rep. David G. Balmer		
	Rep. Larry M. Jordan		
	Rep. John H. Kerr III		
	Rep. George W. Miller, Jr.		
	Rep. Richard T. Morgan		
MAJOR MED. PLAN, BD. OF TRUSTEES TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE			
G.S. 135-39		Term-two years/staggered	
(Lt. Gov.)	Mr. Donald Q. Pate*	7/18/91	6/30/93
	Mr. Wilbur F. King*	7/22/92	6/30/94
	Dr. Ronald E. Cohn* (Resigned)	7/18/91	6/30/93
	Mr. Wayne F. Abele* [UT—Cohn*]	8/21/91	6/30/93
(Speaker)	Ms. Hilda A. Highfill*	9/4/91	6/30/93
	Mr. Thomas E. Terrell, Jr.*	8/2/91	6/30/93
	Mr. Benton F. Sonny Clifton, Jr.*	8/4/92	6/30/94
MEDICAL DATABASE COMMISSION, NORTH CAROLINA		Term-three years/staggered	
G.S. 131E-211—see also Ch. 480 (S.B. 336); Ch. 689, Sec. 189.1 (H.B. 83) 1991 S.L.			
(Lt. Gov.)	Mr. David J. McCombs*	7/22/92	6/30/95
	Dr. Sandra B. Greene*	7/22/92	6/30/95
	Mr. Jimmy Lewis Moore*	7/30/90	6/30/93
	Mr. Thomas E. Ryan*	7/18/91	6/30/94
(Speaker)	Ms. Gail Sports Long*	8/3/92	6/30/95
	Mr. Robert J. Amon*	7/31/90	6/30/93
	Dr. Lawrence M. Cutchin*	7/31/90	6/30/93
	Ms. Beverly Blount*	8/1/91	6/30/94
(Director)—Janis L. Curtis Department of Insurance			
MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES COMMISSION			
G.S. 143B-148 —see also Ch. 1038, Sec. 17, 1991 S.L. (H.B. 1343)		Term-two years	
(Lt. Gov.)	Dr. James S. Fulghum III*	7/18/91	6/30/93
	Mr. William R. Bolin*	7/18/91	6/30/93
(Speaker)	Mr. Ben W. Aiken*	7/30/91	6/30/93
	Rev. Sidney A. Locks, Sr.*	7/30/91	6/30/93
MILK COMMISSION, NORTH CAROLINA		Term-four years	
G.S. 106-266.7			
(Lt. Gov.)	Mr. Andrew Benjamin Lloyd, Jr.*	7/30/90	6/30/94
	Dr. Vila Rosenfeld*	8/24/87	6/30/91
(Speaker)	Mr. John Hunter*	8/21/89	6/30/91
	Mrs. Kathryn G. Kirkpatrick*	7/31/90	6/30/92
MOTOR VEHICLE DEALERS ADVISORY BOARD, NORTH CAROLINA		Term-three years	
G.S. 20-305.4			
(Lt. Gov.)	Mr. Robert P. Noble III*	7/24/92	6/30/95
	Mr. Don Bulluck*	7/1/90	6/30/93
	Mr. Roger Askew*	7/1/91	6/30/94

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments		Appointed	Expires
MOTOR VEHICLE DEALERS ADVISORY BOARD, NORTH CAROLINA (Continued)			
(Speaker)	Mr. John T. Bunch*	10/23/89	6/30/92
	Mr. Leonard A. LeFiles III*	7/1/90	6/30/93
	Mr. Sam Johnson	11/14/91	6/30/94
MUNICIPAL INCORPORATIONS, JOINT LEGISLATIVE		Term–two years	
G.S. 120-158—see also Ch. 739, Sec. 17, 1991 S.L. (S.B. 801)			
(Lt. Gov.)	Senator R. L. Martin	7/8/91	6/30/93
	Senator Fletcher L. Hartsell, Jr.		
	Hon. Jimmy C. Draughn*		
(Speaker)	Rep. Gerald L. Anderson	12/11/91	6/30/93
	Rep. Robert C. Hunter		
	Mr. Richard Stevens*		
NATURAL HERITAGE TRUST FUND, BOARD OF TRUSTEES			
G.S. 113-77.8		Term–six years/staggered	
(Lt. Gov.)	Mrs. Catherine McCoy*	1/1/88	12/31/93
	Mrs. Nancy Gillam Spruill*	3/12/90	12/31/95
	Mr. Thomas D. "Bud" Hunter III*	1/2/92	12/31/97
(Speaker)	Dr. Richard Hoffman*	1/8/88	12/31/93
	Mr. William Joslin*	1/24/90	12/31/95
	Hon. Robert B. Jordan III*	1/10/92	12/31/97
NEW LICENSING BOARDS, LEGISLATIVE COMMITTEE		Term–Coincides with term of Office	
G.S. 120-149.6—see also Ch. 739, Sec. 16, 1991 S.L. (S.B. 801)			
(Lt. Gov.)	Senator Paul S. Smith (Chairman)	4/4/91	
	Senator James Forrester		
	Senator Ralph A. Hunt		
	Senator R. L. Martin		
	Senator Tommy Pollard		
(Speaker)	Rep. Howard C. Barnhill	4/10/91	
	Rep. Harold J. Brubaker		
	Rep. Foyle Hightower, Jr.		
	Rep. Albert S. Lineberry, Sr.		
PHYSICAL FITNESS AND HEALTH, GOVERNOR'S COUNCIL		Term–two years	
G.S. 143B-216.9—recodified G.S. 130A-33.41 —see Ch. 739, Sec. 20, 1991 S.L. (S.B. 801)			
(Lt. Gov.)	Senator James Forrester	9/5/91	6/30/93
(Speaker)	Rep. Luther Jeralds	10/21/91	6/30/93
PORTS AUTHORITY, STATE		Term–two years	
G.S. 143B-452			
(Lt. Gov.)	Mr. F.J. "Sonny" Faison, Jr.*	7/22/92	6/30/94
	Mr. Edward T. Taws, Jr.*	7/18/91	6/30/93
(Speaker)	Mr. Joseph Stevenson*	8/2/91	6/30/93
	Mr. Roy A. Stevens*	8/3/92	6/30/94

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments	Appointed	Expires
PRIVATE PROTECTIVE SERVICES BOARD		Term-three years
G.S. 74C-4(b)		
(Lt. Gov.) Mr. Bobby J. Crumley*	7/18/91	6/30/94
Mr. Jeff D. Rogers*	7/22/92	6/30/95
(Speaker) Mr. Joel Garth Locklear*	8/3/92	6/30/95
Dr. James C. Purvis*	7/31/90	6/30/93
Mr. Mack Donaldson*	8/5/91	6/30/94
(See Also Appointment of President Pro Tempore)		
PROPERTY TAX COMMISSION		Term-two/four years
G.S. 143B-223—**Repealed**—see Ch. 110, 1991 S.L. (H.B. 51)—		
Reestablished—see G.S. 105-288		
—see also Ch. 1016, Sec. 2, 1991 S.L. (S.B. 1262)		
(Lt. Gov.)(Term-Four years)		
Mr. Thomas Richard Wright, Jr.* (**Resigned**)	7/18/91	6/30/95
Mr. William Eugene Wilson* [UT—Wright*]	10/7/91	6/30/95
(Speaker)(Term-Two years)		
Mr. George G. Cunningham*	8/5/91	6/30/93
PUBLIC SCHOOL FORUM		Term-Coincides with term of Office
By-laws Public School Forum		
(Lt. Gov.) Senator J. Richard Conder	2/6/91	
Senator Leo Daughtry		
Senator Marvin Ward		
Senator Paul Smith		
(Speaker) Rep. Anne C. Barnes	3/4/91	
Rep. David H. Diamont		
Rep. Harry E. Payne		
Rep. Warren C. Oldham		
PUBLIC TELECOMMUNICATIONS COMMISSIONERS, NORTH CAROLINA BOARD OF		Term-two years
G.S. 143B-426.9(4)		
(Lt. Gov.) Mr. Robert P. Holding III*	7/18/91	6/30/93
Mr. David Smith* (**Resigned**)	7/18/91	6/30/93
Mr. William Bruce Mears* [UT—Smith*]	7/22/92	6/30/93
(Speaker) Ms. Chrystle Swain*	7/30/91	6/30/93
Mr. Bradford Thompson*	7/30/91	6/30/93
QUALITY LEADERSHIP AWARDS COUNCIL, NORTH CAROLINA		
Executive Order No. 119		
(Lt. Gov.) Mr. Norman Yates Chambliss*		6/30/93
(Speaker) Ms. Linda Ashendorf*	7/1/90	6/30/93
RECREATION AND NATURAL HERITAGE TRUST FUND —see **NATURAL HERITAGE TRUST FUND**		
RETIREMENT SYSTEM, TEACHERS' AND STATE EMPLOYEES' BOARD OF TRUSTEES		Term-two years
G.S. 135-6(b)(4)		
(Lt. Gov.) Mr. David G. Olmsted*	7/18/91	6/30/93
(Speaker) Mr. Gerald Lamb*	8/2/91	6/30/93

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments		Appointed	Expires
RULES REVIEW COMMISSION			Term-two years
G.S. 143B-30.1—see Ch. 418, 1991 S.L. (S.B. 155)			
(Lt. Gov.)	Mr. James P. Cain*	7/22/92	6/30/94
	Mr. David M. Furr*	7/22/92	6/30/94
	Mr. George W. Jackson*	7/18/91	6/30/93
	Mr. James B. Mallory III*	7/18/91	6/30/93
(Speaker)	Ms. Jennie J. Hayman*	8/3/92	6/30/94
	Ms. Beryl E. Wade*	8/3/92	6/30/94
	Ms. Frayda S. Bluestein* (Resigned)	7/31/90	6/30/93
	Mr. Vernon H. Rochelle*	7/31/90	6/30/93
	Ms. Nancy H. Hemphill* [UT—Bluestein*]	11/1/90	6/30/93
RURAL ECONOMIC DEVELOPMENT CENTER, BOARD OF DIRECTORS			Term-Pleasure of appointive authority
By-Laws REDC			
(Lt. Gov.)	Senator Leo Daughtry	7/21/89	
	Senator Howard F. Bryan [UT—Kincaid]	8/8/90	
	Senator B. Tommy Pollard [UT—Allran]	7/8/91	
(Speaker)	Rep. Howard Hunter, Jr.	4/2/91	12/31/92
	Rep. Mary E. McAllister		
	Rep. Raymond M. Thompson, Sr.		
SCHOOL FACILITY NEEDS, NORTH CAROLINA COMMISSION			
G.S. 115C-489.4			Term-four years
(Lt. Gov.)	Ms. Doris L. Lail* (Co-Ch)	7/18/91	6/30/95
	Mr. Jimmie R. Hutchens*		
	Ms. Sharon G. Shelton*		
	Mr. John H. Weatherly*		
	Mr. William Eugene Wilson* (Resigned)		
	Ms. Shelia McNeill* [UT—Wilson*]	12/16/91	6/30/95
(Speaker)	Mr. John A. Williams* (Co-Ch)	7/30/91	6/30/95
	Mrs. Kathleen R. Crosby*		
	Mr. Morris L. McGough*		
	Mr. W. I. Morris*		
	Mr. Wilfred "Red" L. Robbins*		
SCHOOL HEALTH ADVISORY COMMITTEE, STATE			Term-three years
G.S. 115C-81(e)(6)(c)—see also Ch. 739, Sec. 11, 1991 S.L. (S.B. 801)			
(Lt. Gov.)	Senator James Forrester	7/8/91	6/30/94
(Speaker)	Rep. Howard C. Barnhill	7/1/90	6/30/93
SCIENCE AND MATHEMATICS, BOARD OF TRUSTEES, NORTH CAROLINA SCHOOL OF			Term-two/four years
G.S. 116-233—see Ch. 879, 1991 S.L. (S.B. 1026)			
(Lt. Gov.)(Term-Four years)			
	Ms. Jeanne Overton Paine* (Resigned)	8/14/89	6/30/93
	Ms. Debra B. Minton* [UT—Paine*]	7/22/92	6/30/93
	Dr. James B. Powell*	7/18/91	6/30/95
(Speaker)(Term-Two years)			
	Ms. Lois Artis*	8/1/91	6/30/93
	Ms. Julia Taylor* (Resigned)	8/1/91	6/30/93
	Dr. Charles D. Watts, M.D.* [UT—Taylor*]	9/4/91	6/30/93

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments	Appointed	Expires
SCIENCE AND TECHNOLOGY, NORTH CAROLINA BOARD		
G.S. 143B-426.31—see also Ch. 573, 1991 S.L. (S.B. 373)	Term-two years	
(Lt. Gov.) Dr. John B. Coddington*	7/18/91	6/30/93
(Speaker) Dr. William T. Fletcher*	7/31/91	6/30/93
SEAFOOD INDUSTRIAL PARK AUTHORITY, NORTH CAROLINA		
G.S. 113-315.25(d)	Term-two years	
(Lt. Gov.) Mr. Daniel B. Gray*	7/18/91	6/30/93
(Speaker) Mr. Lacy McNeil*	8/1/91	6/30/93
SENTENCING AND POLICY ADVISORY COMMISSION, NORTH CAROLINA		
G.S. 164-37—see Ch. 816, 1991 S.L. (S.B. 1129)		
(Lt. Gov.) Mr. A.A. "Dick" Adams*	7/16/92	7/1/93
Mr. John Lee "Jack" Wolfe*	7/16/92	7/1/93
(Speaker) Rep. Anne C. Barnes	8/3/92	7/1/93
Rep. E. David Redwine		
Mr. Luther Moore*		
Rep. H. Mickey Michaux, Jr.	8/14/92	7/1/93
(See Also Appointment of President Pro Tempore)		
SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION, NORTH CAROLINA	Term-two years	
G.S. 17E-3—see Ch. 1005, 1991 S.L. (S.B. 1268)		
(Lt. Gov.) Hon. Ronald N. Barker*	7/18/91	6/30/93
(Speaker) Hon. Paul R. "Jaybird" McCrary*	9/1/91	8/31/93
SOUTHERN GROWTH POLICIES BOARD	Term-Not Specified	
G.S. 143-492		
(Lt. Gov.) Senator N. Leo Daughtry	7/8/91	6/30/93
(Speaker) Rep. Daniel T. Lilley	3/21/91	1/30/93
SOUTHERN STATES ENERGY BOARD	Term-Pleasure of appointive authority	
G.S. 104D-2—see also Ch. 739, Sec. 9, 1991 S.L. (S.B. 801)		
(Lt. Gov.) Senator N. Leo Daughtry	4/10/91	
Senator Lura S. Tally (Alternate)		
(Speaker) Rep. Joe Hackney	3/21/91	1/30/93
STATE BAR DISCIPLINARY HEARING COMMISSION —see DISCIPLINARY HEARING COMMISSION		
STATE BUILDING COMMISSION	Term-three years/staggered	
G.S. 143-135.25—see also Ch. 314 (H.B. 891); Ch. 893 (H.B. 1389), 1991 S.L.		
(Lt. Gov.) Mr. Gary Garlow*	7/30/90	6/30/93
Mr. Carl H. Ricker*	7/22/92	6/30/95
Mr. Hal A. Thompson*	7/23/91	6/30/94
(Speaker) Mr. Jack K. Colby, PE*	8/5/91	6/30/94
Mr. Henry E. "Gene" Miller*	Upon Licensure	6/30/93
Mr. Benny R. Hockaday*	8/3/92	6/30/95
STATE PARKS—see PARKS, STATE		
STATE PORTS AUTHORITY—see PORTS AUTHORITY, STATE		

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments		Appointed	Expires
SUBSTANCE ABUSE ADVISORY COUNCIL			Term-four years
G.S. 143B-270—see also Ch. 405, Sec. 2, 1991 S.L. (S.B. 516)			
(Lt. Gov.)	Mr. Herbert H. Thorp*	10/4/91	9/30/95
	Dr. Ronald Cohn*	10/4/91	9/30/95
	Ms. Jeanette Gilmore*	10/24/91	9/30/95
(Speaker)	Ms. Alberta Green*	11/15/91	9/30/95
	Mr. F. O'Neil Jones*	11/15/91	9/30/95
	Mr. Wallace M. Slatinsky*	11/15/91	9/30/95
TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM —see RETIREMENT SYSTEM			
TEACHING FELLOWS COMMISSION, NORTH CAROLINA			
G.S. 115C-363.23(a)		Term-four years/staggered	
(Lt. Gov.)	Ms. Teena S. Little* (Designee—Ch.)	7/30/90	
	Ms. Helen Euliss*	7/22/92	6/30/96
	Mr. Franz F. Holscher*	7/30/90	6/30/93
	Mr. Johnny W. Shepherd*	7/18/91	6/30/95
(Speaker)	Ms. Jeannette Beckwith*	8/2/91	6/30/95
	Mrs. Marydell R. Bright*	7/31/90	6/30/93
	Dr. Leroy T. Walker*	8/3/92	6/30/96
TEACHING, NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF			Term-four years
Ch. 479, Sec. 74, 1985 S.L.			
(Lt. Gov.)	Mr. Ralph A. Kimmel*	8/14/89	6/30/93
	Ms. Peggy H. Shoaf*	8/14/89	6/30/93
(Speaker)	Ms. Libba L. Thompson*	8/21/89	6/30/93
	Dr. Raymond E. Webster*	8/21/89	6/30/93
TECHNOLOGICAL DEVELOPMENT AUTHORITY, NORTH CAROLINA			Term-two/four years
G.S. 143B-471.1			
(Lt. Gov.)	(Term-Four years)		
	Brig. Gen. Alfred L. Esposito, USAF*	7/18/91	6/30/95
	Mr. Michael T. Youngblood* (Resigned)	7/18/91	6/30/95
	Mr. Randy O. Overton* [UT—Youngblood*]	5/1/92	6/30/95
(Speaker)	(Term-Two years)		
	Honorable Luther Jordan*	8/2/91	6/30/93
	Mr. William Bynum*	8/2/91	6/30/93
TELECOMMUNICATIONS—see PUBLIC TELECOMMUNICATIONS			
TELEVISION, UNC CENTER FOR PUBLIC—BOARD OF TRUSTEES			
G.S. 116-37.1			Term-two years
(Lt. Gov.)	Mr. Thomas F. Ellis*	7/18/91	6/30/93
(Speaker)	Mrs. Barbara Ferguson*	9/10/91	6/30/93
THERAPEUTIC RECREATION CERTIFICATION BOARD, NORTH CAROLINA			Term-three years
G.S. 90C-5			
(Lt. Gov.)	Ms. Sandra B. Grey*	7/18/91	6/30/94
	Mr. Randy Thomas Ray*	7/22/92	6/30/95
(Speaker)	Mr. Charles M. Johnson*	8/3/92	6/30/95
	Mr. Raymond E. West*	7/31/90	6/30/93

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments	Appointed	Expires
TRANSPORTATION, NORTH CAROLINA BOARD OF		Term-two years
G.S. 143B-350(d)		
(Lt. Gov.) Mr. Sanford W. Bailey*	7/18/91	6/30/93
(Speaker) Mr. Robert James Burford, Esq.*	7/29/91	6/30/93
TRAVEL AND TOURISM, GOVERNOR'S ADVISORY COMMISSION ON		Term-Pleasure of appointive authority
Executive Order No. 112		
(Lt. Gov.) Senator Tommy Pollard	4/17/91	
Senator Robert G. Shaw		
(Speaker) Rep. John J. Hunt	3/19/91	1/30/93
Rep. Ronald L. Smith		
UTILITY REVIEW COMMITTEE, JOINT LEGISLATIVE		Term-Pleasure of appointive authority
G.S. 120-70.2—see also Ch. 739, Sec. 1-2, 1991 S.L. (S.B. 801)		
(Lt. Gov.) Senator Joe Johnson (Co-Ch)	3/1/89	
Senator Dan R. Simpson [UT—Guy]	9/7/90	
Senator Paul Smith		
(Speaker) Rep. David T. Flaherty, Jr.	6/18/91	1/15/93
Rep. Judy Hunt		
Rep. George W. Miller, Jr.		
VAGABOND SCHOOL OF THE DRAMA, INC. AND THE FLAT ROCK PLAYHOUSE, BOARD OF TRUSTEES		
By-Laws/Art. II, Sec. 1		Term-two years
(Lt. Gov.) Senator Robert C. Carpenter	2/6/91	1/31/93
Senator Clark Plexico		
(Speaker) Rep. N. J. Crawford	3/21/91	1/30/93
Rep. Marie Watters Colton		
VETERINARY MEDICAL BOARD, NORTH CAROLINA		Term-five years
G.S. 90-182		
(Lt. Gov.) Dr. E. Clinton Lowry*	7/1/91	6/30/96
(Speaker) Dr. David E. Brooks, D.V.M.*	8/3/92	6/30/97
WASTE MANAGEMENT BOARD, GOVERNOR'S		Term-two years
G.S. 143B-216.12(a)(3)—recodified—G.S. 143B-285.12		
(Lt. Gov.) Dr. George L. Bradley*	7/18/91	6/30/93
(Speaker) Mr. Lewis A. Brandon III*	7/30/91	6/30/93
WESTERN NC ARBORETUM—see ARBORETUM		
WILDLIFE RESOURCES COMMISSION, NORTH CAROLINA		Term-two years
G.S. 143-240—see Ch. 900, Sec. 172, 1991 S.L. (H.B. 1340)		
(Lt. Gov.) Mr. Joseph A. Neisler, Jr.*	7/18/91	4/24/93
(Speaker) Mrs. Susan L. Allen*	4/25/91	4/24/93

*Citizen Appointee
[UT]—Filling Unexpired Term

Lieutenant Governor/Speaker Appointments	Appointed	Expires
WORKFORCE PREPAREDNESS, GOVERNOR'S COMMISSION ON		
Executive Order No. 107		Term-None Specified
(Lt. Gov.) Senator Betsy L. Cochrane	3/21/90	
Senator N. Leo Daughtry		
Senator James F. Richardson		
(Speaker) Rep. Howard C. Barnhill	12/5/91	
Rep. Lyons Gray		
Rep. Raymond M. Thompson		

NOTE: Appointments made **prior to 1989** were made by the following:
Lieutenant Governor—The Honorable Robert B. Jordan III
Speaker of the House of Representatives—
The Honorable Liston B. Ramsey

Appointments made between **1989 and 1990** were made by the following:
Speaker of the House of Representatives—
The Honorable Josephus L. Mavretic

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*Citizen Appointee
[UT]—Filling Unexpired Term

APPOINTMENTS

SHARED BY
THE SENATE PRESIDENT PRO TEMPORE
AND
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The following appointments to Boards, Commissions and Committees were made during 1991 and 1992 by the Honorable Henson P. Barnes, President Pro Tempore of the Senate and by the Honorable Daniel T. Blue, Jr., Speaker of the House of Representatives (confirmed by documents on file).

Chapters 43, 756, 759, 1038, and 1040 of the 1991 Session Laws, were enacted in compliance with G.S. 120-121 which outlines the procedure for legislative appointments. Vacancies occurring in legislative appointments are addressed in G.S. 120-122.

Appointments prior to 1989 were made by a former President Pro Tempore and prior to 1989 and 1991 by former Speakers but remain in effect.

		Appointed	Expires
AIR CARGO AIRPORT AUTHORITY, NORTH CAROLINA, BOARD OF DIRECTORS		Term-four years/staggered	
G.S. 63A-3—see Ch. 749 (S.B. 649); Ch. 900, Sec. 108 (H.B. 1340), 1991 S.L.			
(Pro Tem)	Mr. Cameron M. Harris*	10/3/91	6/30/93
	Mr. Charles A. Hayes*	10/3/91	
	Ms. Nancy Richardson Stallings*	10/3/91	
(Speaker)	Mr. Thomas W. Bradshaw, Jr.*	10/21/91	6/30/93
	Mr. Roger A. McLean*		
	Mr. Gordon S. Myers*		
AIR CARGO AIRPORT COMPLEX, DEVELOPMENT OF/LRC		Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(61), 1991 S.L. (S.B. 917)		Report-1992; 1993 Session	
(Pro Tem)	Senator J. Richard Conder (Co-Ch)	10/21/91	
	Senator Roy A. Cooper III	10/21/91	
	Senator N. Leo Daughtry	10/21/91	
	Senator Robert L. Martin	10/21/91	
	Senator Beverly M. Perdue	1/7/92	
	Senator James D. Speed	10/21/91	
	Senator Dennis J. Winner (Resigned)	1/7/92	
	Senator Ed N. Warren [UT—Winner]	9/10/92	
	Mr. Brent Adams*	10/16/91	
	Mr. Thomas Harrington*	10/28/91	

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires
AIR CARGO AIRPORT COMPLEX, DEVELOPMENT OF/LRC (Continued)		
(Speaker) Rep. Peggy Stamey (Co-Ch)	11/4/91	
Rep. Daniel DeVane		
Rep. John Hasty		
Rep. Judy Hunt		
Rep. John Hurley		
Rep. William Lewis		
Rep. John McLaughlin		
Rep. Liston Ramsey		
Rep. Timothy Tallent		
(LRC Coordinator) Senator Howard Bryan		
AIR QUALITY COMPLIANCE ADVISORY PANEL	Term-four years/staggered	
G.S. 143B-318—see Ch. 552, Sec. 7, 1991 S.L. (H.B. 551)		
(Pro Tem) Mr. Steve Auman*	1/3/92	12/31/94
(Speaker) (Not available at time of printing)		
ALTERNATIVE MEDICAL PRACTICES/LRC	Term-Coincides with term of Office	
G.S. 120-30.17(1)	Report-1993 Session	
(Pro Tem) Senator Mary P. Seymour (Co-Ch)	9/14/92	
Senator John G. Blackmon		
Senator Ralph A. Hunt		
Senator Beverly M. Perdue		
Mr. Bill Veeder*		
Mr. Kelly Barnhill*	9/18/92	
Ms. Elaine Marshall*		
(Speaker) Rep. Marie Colton (Co-Ch)	9/28/92	
Rep. Howard Barnhill		
Rep. W. Pete Cunningham		
Rep. Ruth Easterling		
Rep. Karen Gottovi		
Rep. Lyons Gray		
Rep. Stephen Wood		
Dr. Hector Henry*		
Dr. George Phillips, Jr.*	9/30/92	
(Coordinator) Senator Russell Walker		
AMORTIZATION OF NONCONFORMING USES OF PROPERTY/LRC	Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(28), 1991 S.L. (S.B. 917)	Report-1992; 1993 Sessions	
(Pro Tem) Senator William D. Goldston, Jr. (Co-Ch)	11/1/91	
Senator Franklin L. Block		
Senator Joseph E. Johnson		
Senator Mary P. Seymour		
Senator Robert G. Shaw		
Mr. Walter Church, Sr.*		
Mr. H. Goldston Womble, Jr.*		
Mr. William B. Thornton*	1/3/92	
Ms. Judith W. Wegner*		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires
AMORTIZATION OF NONCONFORMING USES OF PROPERTY/LRC (Continued)		
(Speaker) Rep. Sam Hunt (Co-Ch)	11/1/91	
Rep. Gerald Anderson		
Rep. Robert Brawley		
Rep. Herman Gist		
Rep. Robert Hensley		
Rep. Mary Jarrell		
Rep. Coy Privette		
Rep. William Withrow		
Rep. Stephen Wood		
(LRC Coordinator) Rep. Marie Colton		
AQUACULTURE ADVISORY BOARD	Term-Not specified	
G.S. 106-760		
(Pro Tem) Senator Wendell H. Murphy	12/27/91	12/31/92
(Speaker) Rep. Howard B. Chapin	3/18/91	1/30/93
AQUARIUMS COMMISSION, NORTH CAROLINA	Term-four years	
G.S. 143B-390.15—see Ch. 1044, Sec. 10, 1991 S.L. (S.B. 1205)		
(Pro Tem) Mr. Ray White*	7/1/92	7/1/96
Mrs. Ina Evans*		
Mr. Rick Willetts*		
Mr. John Weyerhaeuser*		
(Speaker) (Not available at time of printing)		
AUDIT, STATE GOVERNMENT PERFORMANCE/LRC		
Ch. 689, Sec. 347;	Term-Coincides with term of Office	
Ch. 900, Sec. 17 (H.B. 1340), 1991 S.L.	Report-1992; 1993 Sessions	
(Pro Tem) Senator Henson P. Barnes (Co-Ch)	10/9/91	
Senator Marc Basnight		
Senator William N. Martin		
Senator Beverly M. Perdue		
Mr. Walter R. Davis*		
Dr. William Friday* **(Resigned)**		
Dr. Stephen Malcolm Gillis*		
Mr. James E. Harrington*		
Ms. Jane Smith Patterson*		
Ms. Judy Harrison* [UT—Friday*]	6/22/92	
Senator George B. Daniel	7/17/92	
(Speaker) Rep. Daniel T. Blue, Jr. (Co-Ch)	10/18/91	
Rep. Robert J. Hensley, Jr.		
Rep. George Robinson		
Rep. Dennis Wicker		
Mr. James Goodmon*		
Mr. Wallace Green*		
Mr. James R. Leutze*		
Mr. John F. McNair III*		
Mrs. Helen Ann Powers*		
Rep. Joe Hackney	8/14/92	
(Ex-Officio)		
Honorable Edward Renfrow	10/9/91	

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires
BASIC EDUCATION PROGRAM, LEGISLATIVE COMMISSION ON THE		
Ch. 1066, Sec. 99, 1989 S.L. (S.B. 1426)	Report-by	3/31/91
(Pro Tem) Senator Marc Basnight	9/18/90	3/31/91
Senator J. Richard Conder		
Senator Howard N. Lee		
Senator Lura S. Tally		
Mr. Gerald Whitley*		
Dr. Andrew P. "Sam" Haywood*		
Mr. Gerry Hancock*		
(Speaker) Rep. Joe H. Hege, Jr.	9/10/90	3/31/91
Rep. James W. Crawford		
Rep. Eugene Rogers		
Rep. Lois S. Walker		
Ms. Libby Ross Fletcher*		
Ms. Janet H. Wilson*		
Ms. Mary E. McAllister*		
BEACH AND FAIR PLANS STUDY/LRC	Term-Coincides with term of Office	
Ch. 754, Sec. 2.3, 1991 S.L. (S.B. 917)	Report-1992; 1993 Sessions	
(Pro Tem) Senator Franklin L. Block (Co-Ch)	10/21/91	
Senator Marc Basnight		
Senator Ralph A. Hunt		
Senator Joseph E. Johnson		
Senator B. Tommy Pollard		
Mr. Mollie Fearing*		
Mr. Louie E. Woodbury, Jr.*	10/23/91	
(Speaker) Rep. John Hasty (Co-Ch)	10/23/91	
Rep. Don Beard		
Rep. Robert Brawley		
Rep. Harold Brubaker		
Rep. Ronald Smith		
Rep. Alex Warner		
Rep. Withrow		
(LRC Coordinator) Senator Frank Ballance		
BIRTH-RELATED NEUROLOGICAL IMPAIRMENT STUDY COMMISSION	Term-terminates upon final report	
Ch. 1100, Sec. 6.1, 1987 S.L.; Ch. 64, Sec. 1, Ch. 1078, Sec. 5.4, 1989 S.L. —Continued Ch. 754, Sec. 17.1, 1991 S.L. (S.B. 917)	Report-1992 Session	
(Pro Tem) Senator Roy A. Cooper III (Co-Ch)	11/12/91	*Sine Die*
Senator Franklin L. Block		1992
Senator James S. Forrester		
Senator Wendell H. Murphy		
Dr. Walker H. Campbell* (Resigned)		
Mr. Warren Massenburg*		
Dr. Charles Harris* [UT—Campbell*]	11/27/91	
(Speaker) Rep. George W. Miller (Co-Ch.)	11/19/91	*Sine Die*
Rep. Robert Hunter		1992
Rep. Stine Isenhower		
Rep. Annie Kennedy		
Dr. Otis Duck*		
Ms. Elizabeth F. Kuniholm*		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires
BUSINESS AND CONSUMER ADVISORY COUNCIL	Term–three years	
G.S. 143-548—see Ch. 900, Sec. 150, 1991 S.L. (H.B. 1340)		
(Pro Tem) Mr. Glenn T. Lloyd*	9/1/92	9/1/95
Mr. C. O. Tyndall*		
Mr. Felton J. Capel*		
Mr. Roy Evans*		
(Speaker) (Not available at time of printing)		
CANCER CONTROL STUDY/LRC	Term–Coincides with term of Office	
G.S. 120-30.17(1)	Report–1993 Session	
(Pro Tem) Senator Helen R. Marvin (Co-Ch)	9/18/92	
Senator T. L. "Fountain" Odom		
Senator Clark Plexico		
Senator Aaron W. Plyler		
Senator James Forrester	9/14/92	
Dr. John R. Kernodle*	9/14/92	
Mrs. Jo Ann Schoen*	10/14/92	
(Speaker) Rep. Luther Jeralds (Co-Ch)	9/28/92	
Rep. J. Fred Bowman		
Rep. W. W. Dickson		
Rep. Theresa Esposito		
Rep. John Gamble, Jr.		
Rep. James Green, Sr.		
Rep. Timothy Tallent		
Mr. Thomas E. Wright*		
(Coordinator) Senator Russell Walker		
CHEROKEE/EASTERN BAND, NORTH CAROLINA ADVISORY COUNCIL ON	Term–two years	
G.S. 143B-411.1		
(Pro Tem) Senator Herbert L. Hyde	10/6/92	6/30/94
(Speaker) Rep. Marty Kimsey	7/31/90	6/30/92
CHILD DAY-CARE—see **DAY-CARE**		
CHILD FATALITY TASK FORCE, NORTH CAROLINA	Term–Pleasure of appointive authority	
G.S. 143-574—see Ch. 689, Sec. 233; Ch. 900, Sec. 169, 1991 S.L.		
	Report–Within 1 week convening 1994; 1995 Session	
(Pro Tem) Senator Roy A. Cooper III	8/31/92	
Senator William N. Martin		
Mr. Michael Bowling*	9/16/92	
Mr. George W. Graham, Jr.*		
Mr. Freddy W. Narron*		
Dr. Des Runyon*		
Mr. Ronald Stephens*		
(Speaker) Rep. Ruth M. Easterling	9/28/92	
Rep. Paul Luebke		
Mr. William C. Crawford, Jr.*		
Dr. Thomas E. Frothingham*		
Ms. Marcia E. Herman-Giddens*		
Mr. Larry King*		
Reverend Thomas D. Johnson*	10/1/91	

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires
CHIROPRACTIC COLLEGE STUDY/LRC	Term–Coincides with term of Office	
G.S. 120-30/17(1)	Report–by 1/6/93	
(Pro Tem) Senator J. Richard Conder (Co-Ch)	9/8/92	
Senator R. L. Martin		
Senator Beverly M. Perdue		
Senator James F. Richardson		
Senator Marvin Ward		
Dr. Stephen Childers*		
Mr. Frank M. Kivett*		
(Speaker) Rep. James Black (Co-Ch)	9/28/92	
Rep. Howard Barnhill		
Rep. Harold Brubaker		
Rep. Marie Colton		
Rep. Herman Gist		
Rep. Julia Howard		
Rep. Margaret Stamey		
Dr. Dennis Hall*		
Dr. Erin Kucsmarski*		
(Coordinator) Senator Russell Walker		
COMPREHENSIVE PLANNING, STATEWIDE/LRC	Term–Coincides with term of Office	
Ch. 754, Sec. 2.1(38), 1991 S.L. (S.B. 917)	Report–1992; 1993 Sessions	
(Pro Tem) Senator J. K. Sherron, Jr. (Co-Ch)	11/14/91	
Senator John G. Blackmon		
Senator Helen Rhyne Marvin		
Senator David R. Parnell		
Senator Russell G. Walker		
Mrs. Katy Haynes*		
Mr. Ron Lewis*	12/30/91	
Mr. J. Roy Fogle*	2/10/92	
(Speaker) Rep. Thomas Hardaway (Co-Ch)	10/23/91	
Rep. Gerald Anderson		
Rep. James Crawford		
Rep. Harry Grimmer		
Rep. Mary Jarrell		
Rep. John Kahl		
Rep. Frank Rhodes		
Dr. David Godschalk*		
(LRC Coordinator) Senator Frank Ballance		
COMPUTER SERVICES, STUDY COMMISSION ON		
Ch. 689, Sec. 30, 1991 S.L. (H.B. 83)	Report–Upon Convening 1993 Session	
(Pro Tem) Senator Kenneth C. Royall, Jr. (Co-Ch)	11/12/91	1/27/93
Senator Betsy L. Cochrane		
Senator J. K. Sherron, Jr.		
Senator Ed N. Warren		
Mr. Ashley T. Hooks*	11/19/91	
Mr. William C. Clontz*	11/19/91	
(Speaker) Rep. Fred Bowman (Co-Ch)	11/19/91	
Rep. James Black		
Rep. Aaron Fussell		
Rep. Doris Huffman		
Mr. John Dye*		
Mr. Matthew Shope*		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
CRIME VICTIMS, RIGHTS OF/LRC		Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(30), 1991 S.L. (S.B. 917)		Report-1992; 1993 Sessions	
(Pro Tem)	Senator Frank W. Ballance, Jr. (Co-Ch)	11/13/91	
	Senator John G. Blackmon		
	Senator Robert L. Martin		
	Senator Alexander P. Sands III		
	Senator Lura Tally		
	Mr. William H. McMillan*		
	Mr. Bobby Wall*	10/16/91	
(Speaker)	Rep. Edd Nye (Co-Ch)	10/23/91	
	Rep. Jo Graham Foster		
	Rep. Robert Grady		
	Rep. James Green		
	Rep. Mary McAllister		
	Rep. Edward McGee		
	Rep. Richard Morgan		
	Mr. R. B. Nicholson*		
(LRC Coordinator)	Rep. David Redwine		
CRIMINAL CASE DISPOSITION STUDY/LRC		Term-Coincides with term of Office	
G.S. 120-30.17(1)		Report-by 1/6/93	
(Pro Tem)	Senator R. C. Soles, Jr.(Co-Ch)	10/6/92	
	Senator T. L. "Fountain" Odom	9/8/92	
	Mr. R. Gene Braswell*		
	Judge Coy E. Brewer, Jr.*		
	Mr. Thurman B. Hampton*		
	Judge Patricia S. Hunt-Love*		
	Mr. Ralph S. Knott*		
	Mr. H. W. Zimmerman*		
	Mr. Eddie Barnes*	10/9/92	
(Speaker)	(Not available at time of printing)		
(Coordinator)	Rep. David Redwine		
DAY-CARE ISSUES, CHILD/LRC		Term-Coincides with term of Office	
Ch. 754, Sec. 2.2, 1991 S.L. (S.B. 917)		Report-1992; 1993 Sessions	
(Pro Tem)	Senator James F. Richardson (Co-Ch)	10/21/91	
	Senator Frank W. Ballance, Jr.		
	Senator James S. Forrester		
	Senator Helen Rhyne Marvin		
	Senator J. Clark Plexico		
	Mr. Ron Saucier*		
	Mr. Gordon C. Woodruff*		
(Speaker)	Rep. Ruth Easterling (Co-Ch)	11/4/91	
	Rep. Charlotte Gardner		
	Rep. Howard Hunter		
	Rep. Maggie Jeffus		
	Rep. Eugene Rogers		
	Ms. Debbie L. Parker*		
	Ms. Marjorie T. Warlick*		
(LRC Coordinator)	Senator Russell Walker		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
DISCRIMINATION IN EMPLOYMENT, ALTERNATIVE APPROACH TO DEAL WITH/LRC		Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(13), 1991 S.L. (S.B. 917)		Report-1992; 1993 Sessions	
(Pro Tem)	Senator Helen Rhyne Marvin (Co-Ch)	10/21/91	
	Senator Austin M. Allran		
	Senator David R. Parnell		
	Senator James F. Richardson		
	Senator Alexander P. Sands III		
	Mr. Stephen B. Hill*		
	Mr. Edward T. Smith*		
(Speaker)	Rep. Annie Kennedy (Co-Ch)	10/17/91	
	Rep. Joanne Bowie		
	Rep. Donald Dawkins		
	Rep. Bertha Holt		
	Rep. H. M. Michaux		
	Rep. William Wainwright		
	Mr. Danny Addison*		
	Mr. J. W. Parker*		
(LRC Coordinator)	Rep. Pete Cunningham		
ECONOMIC FUTURE STUDY COMMISSION		Term-Terminates upon final report by 2/1/91	
Ch. 1066, Sec. 22, 1989 S.L. (S.B. 1426)			
(Pro Tem)	Senator George B. Daniel	9/18/90	2/1/91
	Senator James F. Richardson		
	Mr. Walter Davis*		
	Ms. Sarah Himan*		
	Mr. Lewis Holding*		
	Mr. Tom Lambeth*		
	Honorable Fred Retchin*		
	Mr. Wes Seegars*		
	Mr. Sherwood Smith*		
	Honorable R.P. "Bo" Thomas*		
(Speaker)	Rep. Beverly M. Perdue	9/21/90	2/1/91
	Rep. Harold J. Brubaker		
	Mr. David M. Stover*		
	Mr. D. Harding Stowe*		
	Mr. Walter Douglas Brady*		
	Mr. Jameson P. Wells*		
	Mr. David P. Huskins*		
	Ms. Kenneth D. Johnson*		
	Kenneth E. Mayhew, Jr.*		
	Mr. Earl Brown*		
EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE		Term-two years	
G.S. 120-70.80—see Ch. 900, Sec. 74, 1991 S.L. (H.B. 1340)			
(Pro Tem)	Senator Ed Warren (Co-Ch)	10/1/91	1/27/93
	Senator Austin M. Allran		
	Senator Franklin Block		
	Senator Donald R. Kincaid		
	Senator Howard N. Lee		
	Senator Alexander P. Sands III		
	Senator James D. Speed		
	Senator William W. Staton		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires
EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE (Continued)		
(Speaker) Rep. Anne C. Barnes (Co-Ch)	3/7/91	1/27/93
Rep. James B. Black		
Rep. Aaron E. Fussell		
Rep. Joe H. Hege, Jr.		
Rep. Mary E. McAllister		
Rep. Eugene Rogers		
Rep. Lyons Gray	4/1/91	1/30/93
Rep. Frank E. Rhodes		
EDUCATIONAL LEADERSHIP TASK FORCE	Term-Terminates upon Final Report	
Ch. 869, 1991 S.L.	Report-Final by 2/15/93	
(Pro Tem) Senator Marvin Ward	8/20/92	2/15/93
Senator Ed Warren		
(Speaker) Rep. Anne C. Barnes	8/7/92	2/15/93
Rep. David H. Diamont		
ELECTROLYSIS EXAMINERS, NORTH CAROLINA BOARD OF	Term-three years	
G.S. 88A-5	Initial terms 1, 2, & 3 years	
(Pro Tem) Ms. Patricia Murphy Holland*	4/22/91	8/31/93
(Speaker) Mrs. Clara D. Black*	10/31/90	8/31/92
EMERGENCY MANAGEMENT ISSUES, PROGRAMS AND REGIONAL RESPONSE TEAMS/LRC	Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(40)(59), 1991 S.L. (S.B. 917)	Report-1992; 1993 Sessions	
(Pro Tem) Senator David R. Parnell (Co-Ch)	11/4/91	
Senator Austin M. Allran		
Senator Robert L. Martin		
Senator Aaron W. Plyler		
Senator Marvin W. Ward		
Mr. Tony Seamon*		
Mr. R. E. Wilkins*	11/18/91	
(Speaker) Rep. Foyle Hightower (Co-Ch)	10/22/91	
Rep. Dan DeVane		
Rep. Jerry Dockham		
Rep. Aaron Fussell		
Rep. George Holmes		
Rep. Mary McAllister		
Rep. Ronald Smith		
(LRC Coordinator) Senator J.K. Sherron		
ENERGY—CONSERVATION OF, USE OF RENEWABLE SOURCES PROMOTION/LRC	Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(29), 1991 S.L. (S.B. 917)	Report-1992; 1993 Sessions	
(Pro Tem) Senator J. Clark Plexico (Co-Ch)	11/14/91	
Senator Austin M. Allran		
Senator Roy A. Cooper III		
Senator William N. Martin		
Senator Mary P. Seymour		
Mr. Carson D. Culbreth*		
Mr. Sam E. Sasser*		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
ENERGY—CONSERVATION OF, USE OF RENEWABLE SOURCES PROMOTION/LRC (Continued)			
(Speaker)	Rep. Fred Bowman (Co-Ch)	10/23/91	
	Rep. Ed Bowen		
	Rep. Robert Brawley		
	Rep. Harold Brubaker		
	Rep. Maggie Jeffus		
	Rep. Paul Luebke		
	Rep. C. P. Stewart		
	Mr. Robert Powell*		
(LRC Coordinator)	Senator Frank Ballance		
ENERGY ASSURANCE STUDY COMMISSION		Term-terminates upon final report	
Ch. 802, Sec. 6.1; Ch. 1078, Sec. 3.3, 1989 S.L. —Continued Ch. 754, Sec. 10.1, 1991 S.L. (S.B. 917)		Report-1992 Session	
(Pro Tem)	Senator Marshall Rauch (Co-Ch)	9/1/89	
	Senator A. D. Guy		
	Mr. Mike Davis*		
	Mr. Norris Edge*		
	Mrs. Caroline Myers*		
	Mr. Cary Outlaw*		
	Mrs. Margot Freeman Saunders*		
(Speaker)	Rep. Harry Payne (Co-Ch)	10/19/89	
	Rep. Julia Howard		
	Mr. Hobart Freeman*		
	Mr. Calvin B. Wells*		
	Mr. Kenneth Smith*		
	Mr. Lawrence Dixon*		
	Mr. James T. Bobo* [UT—Matthews*]	4/16/90	
ENVIRONMENTAL SCIENCE AND TECHNOLOGY/PUBLIC POLICY DECISION MAKING BRIDGED/LRC			
Ch. 754, Sec. 2.1(32), 1991 S.L. (S.B. 917)		Report-1992; 1993 Sessions	
(Pro Tem)	Senator Marvin W. Ward (Co-Ch)	10/21/91	
	Senator Marc Basnight		
	Senator Betsy L. Cochrane		
	Senator J. Clark Plexico		
	Senator Russell Walker		
	Mr. Marcus King*	11/6/91	
	Dr. Ernest Hodgson*	1/21/92	
(Speaker)	Rep. Barney Woodard (Co-Ch)	10/17/91	
	Rep. Gerald Anderson		
	Rep. Howard Barnhill		
	Rep. Arlie Culp		
	Rep. James Green		
	Rep. Judy Hunt		
	Rep. William Withrow		
(LRC Coordinator)	Senator Lura Tally		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
ETHICS AND LOBBYING ISSUES/LRC	Term-Coincides with term of Office		
Ch. 754, Sec. 2.5, 2.6, 1991 S.L. (S.B. 917)	Report-1992; 1993 Sessions		
(Pro Tem)	Senator T. L. "Fountain" Odom (Co-Ch)	10/21/91	
	Senator Betsy L. Cochrane	11/14/91	
	Senator George B. Daniel	10/21/91	
	Senator Herbert L. Hyde	10/21/91	
	Senator Howard N. Lee	12/17/91	
	Ms. Doris Cromartie*	11/14/91	
	Ms. Sarah Belk Gambrell*	11/14/91	
(Speaker)	Rep. Marie Colton (Co-Ch)	11/7/91	
	Rep. Ed Bowen		
	Rep. Jo Graham Foster		
	Rep. Lyons Gray		
	Rep. Walter Jones		
	Rep. Richard Morgan		
	Rep. Wade Wilmoth		
	Rep. Stephen Wood		
(LRC Coordinator)	Rep. Frank Rhodes		
FAMILY, COMMISSION ON THE	Term-coincides with term of office		
G.S. 120-70.72	Report-by February 1, odd-numbered years		
(Pro Tem)	Senator Frank W. Ballance, Jr. (Co-Ch)	10/22/91	1/31/93
	Senator Fletcher L. Hartsell, Jr.	10/22/91	1/31/93
	Senator J. Clark Plexico	10/22/91	1/31/93
	Ms. Nancy Suddreth*	10/16/91	1/31/93
	Ms. Judy Harrison*	10/16/91	1/31/93
(Speaker)	Rep. R. D. Beard	9/25/91	12/31/92
	Rep. Gordon H. Greenwood		
	Rep. Annie B. Kennedy		
	Reverend Gene L. Watterson*		
	Reverend Henry B. Pickett, Jr.*		
FAMILY-CENTERED SERVICES, ADVISORY COMMITTEE ON			
G.S. 143B-150.7	Term-four years/staggered		
—see Ch. 743, 1991 S.L. (S.B. 141)	Report-5/1/92—then 10/1 annually		
(Pro Tem)	Senator Roy A. Cooper III	12/19/91	6/30/95
	Senator Helen R. Marvin		
	Senator Kenneth C. Royall, Jr.		
	Dr. David T. Tayloe*	1/27/92	6/30/95
(Speaker)	Rep. Ruth M. Easterling	12/10/91	6/30/95
	Rep. Albert S. Lineberry, Sr.		
	Rep. Edd Nye		
	Mr. James R. Samuel*		
FINANCIAL INSTITUTIONS—REGULATIONS/TAXES, NATIONAL DEVELOPMENTS, LOW/MODERATE INCOME CAPACITY/LRC			
Ch. 754, Sec. 2.1(7)(16)(34),	Term-Coincides with term of Office		
1991 S.L. (S.B. 917)	Report-1992; 1993 Sessions		
(Pro Tem)	Senator William W. Staton (Co-Ch)	10/21/91	
	Senator Robert C. Carpenter		
	Senator J. Richard Conder		
	Senator Aaron W. Plyler		
	Senator James F. Richardson		
	Mr. Ron Burrell*		
	Mr. Fenner Spivey*		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
FINANCIAL INSTITUTIONS—REGULATIONS/TAXES, NATIONAL DEVELOPMENTS, LOW/MODERATE INCOME CAPACITY/LRC (Continued)			
(Speaker)	Rep. Ray Fletcher (Co-Ch)	11/7/91	
	Rep. Charles Beall		
	Rep. Harold Brubaker		
	Rep. John Gamble		
	Rep. Mary McAllister		
	Rep. Timothy Tallent		
	Rep. William Wainwright		
	Mr. John Jordan*		
(LRC Coordinator)	Senator Howard Bryan		
FIRE AND OCCUPATIONAL SAFETY, INDUSTRIAL AND COMMERCIAL FACILITIES/LRC		Term-Coincides with term of Office	
Established pursuant to G.S. 120-30.17(1) at 9/15/91 meeting		Report-1992; 1993 Sessions	
(Pro Tem)	Senator Aaron W. Plyler (Co-Ch)	11/4/91	
	Senator J. Richard Conder	11/4/91	
	Senator William N. Martin	11/4/91	
	Senator J. Clark Plexico	11/4/91	
	Senator Alexander P. Sands III	11/4/91	
	Senator Paul S. Smith	11/4/91	
	Mr. James Andrews*	10/30/91	
	Mr. Phil Kirk*	10/31/91	
	Mr. Lawrence Albert Weaver III*	11/4/91	
(Speaker)	Rep. Toby Fitch (Co-Ch)	11/7/91	
	Rep. Anne Barnes		
	Rep. Julia Howard		
	Rep. Sam Hunt		
	Rep. Howard Hunter		
	Rep. John McLaughlin		
	Rep. Harry Payne		
	Rep. George Robinson		
	Mr. William S. Chandler, Jr.*		
	Mr. Charles R. Hassell, Jr.*		
(LRC Coordinator)	Rep. Pete Cunningham		
FISCAL TRENDS AND REFORM, JOINT SELECT COMMISSION		Term-Terminates Upon Final Report	
Ch. 689, Sec. 348, 1991 S.L. (H.B. 83		Report-Final by 2/1/93	
(Pro Tem)	Senator Beverly M. Perdue (Co-Ch)	11/4/91	
	Senator Marc Basnight	11/4/91	
	Senator George B. Daniel	11/4/91	
	Senator Howard N. Lee	11/4/91	
	Senator J. Clark Plexico	11/4/91	
	Senator Kenneth C. Royall, Jr.	11/4/91	
	Senator Robert G. Shaw	11/4/91	
	Senator Ed N. Warren	11/4/91	
	Mr. Melvin Daniels*	10/16/91	
	Mr. John Sherman*	10/16/91	
	Mr. Donald R. Vaughn*	10/28/91	

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
FISCAL TRENDS AND REFORM, JOINT SELECT COMMISSION (Continued)			
(Speaker)	Rep. David Diamont (Co-Ch)	1/13/92	
	Rep. Anne Barnes		
	Rep. Lyons Gray		
	Rep. Jack Hunt		
	Rep. Luther Jeralds		
	Rep. George Miller		
	Rep. Martin Nesbitt		
	Rep. Liston Ramsey		
	Ms. Viola Alexander*		
	Mr. Samuel H. Johnson*		
	Mr. Mike Wicker*		
FUTURE STRATEGIES FOR NORTH CAROLINA, JOINT LEGISLATIVE COMMISSION ON G.S. 120-84.6			Term-two years
(Pro Tem)	Senator William D. Goldston, Jr.	1/3/92	1/27/93
	Senator Ralph A. Hunt		
	Senator T. LaFontine Odom		
	Senator Aaron W. Plyler, Sr.		
	Senator J.K. Sherron, Jr.		
	Senator Paul S. Smith		
(Speaker)	Rep. W. W. "Dub" Dickson	9/5/91	1/27/93
	Rep. Howard J. Hunter, Jr.		
	Rep. Edd Nye		
	Rep. Timothy N. Tallent		
	Rep. William L. Wainwright		
	Rep. Barney P. Woodard		
GENETIC ENGINEERING REVIEW BOARD G.S. 106-769(1)			Term-three years
(Pro Tem)	Mr. Steven Levitas*	7/28/92	6/30/95
(Speaker)	Mr. R. H. Byrd, Jr.*	8/3/92	6/30/95
GOVERNMENTAL OPERATIONS COMMISSION, JOINT LEGISLATIVE G.S. 120-74—see also Ch. 72, 1991 S.L. (S.B. 189)			Term-two years
(Pro Tem)	Senator Marc Basnight	2/28/91	1/15/93
	Senator J. Richard Conder		
	Senator George B. Daniel		
	Senator Helen R. Marvin		
	Senator Aaron Plyler		
	Senator James F. Richardson		
	Senator Kenneth C. Royall, Jr.		
	Senator Robert G. Shaw		
	Senator Marvin Ward	5/23/91	1/15/93
(Speaker)	Rep. David H. Diamont	2/28/91	1/15/93
	Rep. George M. Holmes		
	Rep. Ed Bowen		
	Rep. C. Robert Brawley		
	Rep. Ruth M. Easterling		
	Rep. Milton F. Fitch, Jr.		
	Rep. Joe Hackney		
	Rep. H. M. Michaux		
	Rep. Martin L. Nesbitt, Jr.		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
GOVERNMENTAL OPERATIONS COMMISSION, JOINT LEGISLATIVE (Continued)			
(Ex-Officio)			
Senate - President Pro Tempore - Co-Chairman (Senator Henson P. Barnes)			
	Majority Leader (Senator Ted Kaplan)		
House - Speaker - Co-Chairman (Rep. Daniel Blue)			
	Speaker Pro Tempore (Rep. Marie W. Colton)		
Subcommittee on State Law Enforcement			
(Pro Tem)	Senator Helen R. Marvin (Ch)	2/26/92	
	Senator George B. Daniel		
	Senator James F. Richardson		
	Senator Robert G. Shaw		
(Speaker)	(Not available at time of printing)		

GROUNDWATER RESOURCES/LRC—Continued—see WATER ISSUES

HANDICAPPED CHILDREN BIRTH TO 5 YEARS, INTERAGENCY COORDINATING COUNCIL FOR		Term-two years	
G.S. 143B-179.5		Report-Annually	
(Pro Tem)	Senator Frank W. Ballance, Jr.	10/12/92	7/1/94
	Senator Helen R. Marvin		
(Speaker)	Rep. Theresa H. Esposito	10/2/92	
	Rep. Raymond M. "Pete" Thompson		

HAZARDOUS WASTE MANAGEMENT COMMISSION			
G.S. 130B-6(c)(2)		Term-two years/staggered	
(Pro Tem)	Mr. Henry M. Von Oesen*	7/28/92	6/30/94
	Mrs. Dorothy Phillips Kilpatrick*	8/9/91	6/30/93
(Speaker)	Ms. Catherine Cameron*	8/3/92	6/30/94
	Dr. Jack B. Levy*	7/31/91	6/30/93

HEALTH INSURANCE COMMISSION, ACCESS TO		Term-terminates upon final report	
Ch. 754, Sec. 9.2, 1991 S.L. (S.B. 917)		Report-Interim-prior 1992 Session; Final-prior 1993 Session	
(Pro Tem)	Senator George B. Daniel (Co-Ch)	11/12/91	
	Senator Donald R. Kincaid		
	Senator Beverly M. Perdue		
	Senator James F. Richardson		
	Senator Ed N. Warren		
	Ms. Gale Johnston*		
	Ms. Pam Silberman*		
	Mr. Robert O. Hill, Jr.*	10/16/91	
	Mr. Conway H. Spiers*	10/22/91	
	Senator Russell G. Walker (ex-officio)	10/5/92	
(Speaker)	Rep. Nick Jeralds (Co-Ch)	10/24/91	
	Rep. James Black		
	Rep. W. W. Dickson		
	Rep. Robert Hensley		
	Rep. Warren Oldham		
	Ms. Sandy Babb*		
	Ms. Anna M. Lore*		
	Mr. Peter N. Geilich*		
	Ms. Devi Peterson*		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
HEALTH INSURANCE, STATE, JOINT SELECT COMMITTEE		Term–Coincides with Term of Office	
(Pro Tem)	Senator J. K. Sherron, Jr. (Co–Ch)	10/30/91	
	Senator James Forrester		
	Senator Ralph Hunt		
	Senator Wendell Murphy		
	Senator Fountain Odom		
	Senator Beverly Perdue		
(Speaker)	Rep. Martin Nesbitt (Co–Ch)	3/26/91	
	Rep. Milton F. Fitch, Jr.		
	Rep. Judy Hunt		
	Rep. Bradford V. Ligon		
	Rep. George Miller		
	Rep. Edd Nye		
HEALTH SYSTEMS ISSUES—EFFICIENCY AND LICENSURES/LRC		Term–Coincides with term of Office	
Ch. 754, Sec. 2.1(11)(63), 1991 S.L. (S.B. 917)		Report–1992; 1993 Sessions	
(Pro Tem)	Senator Roy A. Cooper III (Co–Ch)	10/21/91	
	Senator James S. Forrester	10/21/91	
	Senator William D. Goldston, Jr.	10/21/91	
	Senator Helen Rhyne Marvin	10/21/91	
	Senator Marvin M. Ward	10/21/91	
	Mrs. Julienne Winner*	10/28/91	
	Dr. John Tart*	10/21/91	
(Speaker)	Rep. Howard Barnhill (Co–Ch)	10/22/91	
	Rep. Ruth Easterling		
	Rep. Bruce Ethridge		
	Rep. Julia Howard		
	Rep. Edd Nye		
	Rep. Harry Payne		
	Rep. Carolyn Russell		
	Mr. Richard M. House, PhD.*		
	Ms. Ruth Cooke*		
(LRC Coordinator)	Senator Russell Walker		
HIGHWAY OVERSIGHT COMMITTEE, JOINT LEGISLATIVE			
G.S. 120–70.50			Term–two years
(Pro Tem)	Senator William D. Goldston (Co–Ch)	5/23/91	1/14/93
	Senator Robert Carpenter		
	Senator Ralph A. Hunt		
	Senator R.L. Martin		
	Senator Wendell H. Murphy		
	Senator Fountain Odom		
	Senator Mary Seymour		
	Senator Paul S. Smith		
(Speaker)	Rep. Sam Hunt (Co–Ch)	4/29/91	1/14/93
	Rep. Joanne W. Bowie		
	Rep. Danny DeVane		
	Rep. Robert Grady		
	Rep. Harry C. Grimmer		
	Rep. Thomas C. Hardaway		
	Rep. John B. McLaughlin		
	Rep. Peggy M. Stamey		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires
HOME AND COMMUNITY CARE FOR OLDER ADULTS, ADVISORY COMMITTEE	Term-Pleasure of Appointive Authority	
G.S. 143B-181.9A		
—see also Ch. 711, 1991 S.L. (S.B. 814)	Report-Odd-numbered years	
(Pro Tem) Senator Robert L. Martin	11/12/91	
(Speaker) Rep. Howard C. Barnhill	9/5/91	1/15/93
HORSE RACING IN NORTH CAROLINA/LRC	Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(10), 1991 S.L. (S.B. 917)	Report-1992; 1993 Sessions	
(Pro Tem) Senator William N. Martin (Co-Ch)	11/14/91	
Senator George B. Daniel		
Senator Aaron W. Plyler		
Senator J. K. Sherron, Jr.		
Mr. Boyd Elliott*		
Mr. Gregory E. Lee*		
Mr. Gary Perdue*	10/16/91	
(Speaker) Rep. Vernon James (Co-Ch)	10/23/91	
Rep. Ed Bowen		
Rep. Charles Buchanan		
Rep. Herman Gist		
Rep. Foyle Hightower		
Rep. Charles McLawhorn		
Rep. Coy Privette		
(LRC Coordinator) Senator Frank Ballance		
INDIAN CULTURAL CENTER STUDY, NORTH CAROLINA/LRC	Term-Coincides with term of Office	
Ch. 754, Sec. 2.4; Ch. 900, Sec. 22(b), 1991 S.L.	Report-1992; 1993 Sessions	
(Pro Tem) Senator William N. Martin (Co-Ch)	12/6/91	
Senator Robert C. Carpenter		
Senator Herbert L. Hyde		
Senator David R. Parnell		
Senator J. K. Sherron, Jr.		
Ms. Maybelle Elk*	12/17/91	
Mr. Ralph Hunt*		
(Speaker) Rep. Adolph Dial (Co-Ch)	10/23/91	
Rep. Howard Hunter		
Rep. Vernon James		
Rep. Richard Morgan		
Rep. Ronald L. Smith [Resigned]		
Rep. John C. Hasty [UT—Smith]	1/6/92	
(LRC Coordinator) Senator J.K. Sherron		
INFORMATION RESOURCE MANAGEMENT COMMISSION		
G.S. 143B-426.21—see Ch. 900, Sec. 14, 1991 S.L.	Term-four years	
(Pro Tem) Ms. Janet Smith*	9/1/92	6/30/95
(Speaker) Dr. William E. Willis, Jr.*	9/1/92	6/30/95
INFORMATION TECHNOLOGY COMMISSION—see INFORMATION RESOURCE MANAGEMENT COMMISSION	Term-four years	
G.S. 143B-426.21—Repealed—see Ch. 900, Sec. 14, 1991 S.L.		
(Pro Tem) Mr. Robert G. Winfree*	8/12/89	6/30/93
(Speaker) Mr. John T. McGee*	8/5/89	6/30/93

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
LAW ENFORCEMENT ISSUES/LRC	Term-Coincides with term of Office		
Ch. 754, Sec. 2.1(37)(60), 1991 S.L. (S.B. 917)	Report-1992; 1993 Sessions		
(Pro Tem)	Senator Henson P. Barnes (Co-Ch)(Resigned)	10/22/91	
	Senator "Fountain" Odom (Co-Ch—8/28/92)	10/22/91	
	Senator Betsy L. Cochrane	10/22/91	
	Senator Roy A. Cooper III	10/22/91	
	Senator Howard N. Lee	10/22/91	
	Senator Joseph B. Raynor	10/22/91	
	Senator A. P. Sands	8/28/92	
	Mrs. Stanley M. "Sis" Kaplan*	10/22/91	
	Hon. Paul "Jaybird" McCrary*	10/16/91	
	Hon. Morris Bedsole*	10/16/91	
(Speaker)	Rep. Donald Dawkins (Co-Ch)	10/16/91	
	Rep. Charlie Albertson		
	Rep. David Balmer		
	Rep. Herman Gist		
	Rep. Robert Grady		
	Rep. Bertha Holt		
	Rep. John Kerr		
	Mr. Colon Willoughby*		
	Sheriff Joseph McQueen, Jr.*		
(LRC Coordinator)	Rep. David Redwine		
LEGISLATIVE RESEARCH COMMISSION	Term-From adjournment, Odd-numbered years through January 15, Next Odd-numbered year		
G.S. 120-30.11—see Ch. 900, Sec. 16, 1991 S.L. (H.B. 1340)			
(Pro Tem)	Senator Henson Barnes (Co-Ch)	8/30/91	12/31/92
	Senator Frank Ballance		
	Senator Howard F. Bryan		
	Senator J.K. Sherron		
	Senator Lura Tally		
	Senator Russell Walker		
(Speaker)	Rep. Dan Blue, Jr. (Co-Ch)	8/29/91	12/15/92
	Rep. Marie Colton		
	Rep. W. Pete Cunningham		
	Rep. David Redwine		
	Rep. Frank E. Rhodes		
	Rep. Peggy Stamey		
LEGISLATIVE SERVICES COMMISSION	Term-Coincides with term of Office		
G.S. 120-31—see Ch. 1044, Sec. 7, 1991 S.L. (S.B. 1205)			
(Pro Tem)	Senator Henson P. Barnes (Co-Ch)	9/20/91	1/27/93
	Senator Marc Basnight		
	Senator Betsy L. Cochrane		
	Senator William N. Martin		
	Senator David R. Parnell		
	Senator Beverly M. Perdue		
	Senator Joseph B. Raynor		
(Speaker)	Rep. Daniel T. Blue (Co-Ch)	3/20/91	1/30/93
	Rep. J. Vernon Abernethy		
	Rep. Robert J. Hensley, Jr.		
	Rep. Mary E. McAllister		
	Rep. Harry E. Payne		
	Rep. George S. Robinson		
	Rep. Dennis A. Wicker (Resigned)		
	Rep. Martin L. Nesbitt, Jr. [UT—Wicker]	8/24/92	1/30/93

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires
LEGISLATIVE SERVICES COMMISSION (Continued)		
Building Renovations and Food Services Subcommittee		
(Pro Tem) Senator Marc Basnight (Co-Ch)		
Senator Beverly Perdue		
Senator Joe Raynor		
(Speaker) Rep. Robert Hensley (Co-Ch)		
Rep. Harry Payne		
Rep. George Robinson		
Computer Services Subcommittee		
(Pro Tem) Senator David Parnell (Co-Ch)		
Senator Betsy Cochrane		
Senator William Martin		
(Speaker) Rep. Dennis Wicker (Co-Ch)		
Rep. Vernon Abernethy		
Rep. Mary McAllister		
MANUFACTURED HOUSING BOARD, NORTH CAROLINA		
G.S. 143-143.10	Term-three years	
(Pro Tem) Mr. Durwood Batchelor*	10/1/92	9/30/95
Mr. Billy Glover*	10/1/92	9/30/95
(Speaker) Mr. Larry Gilmore*	10/1/91	9/30/94
Ms. Judy Ward*	10/1/91	9/30/94
MENTAL HEALTH STUDY COMMISSION	Term-coincides with term of office	
Ch. 806, 1973 S.L.—see also Ch. 873, Sec. 21.1, 1987 S.L.; Ch. 802, Sec. 7.1, 1989 S.L.; Ch. 754, Sec. 6.1, 1991 S.L. (S.B. 917)		
(Pro Tem) Senator Kenneth C. Royall, Jr. (Co-Ch)	10/22/91	6/30/93
Senator Howard N. Lee	10/22/91	6/30/93
Senator R. L. Martin	10/22/91	6/30/93
Senator Wendell H. Murphy	10/22/91	6/30/93
Senator Russell Walker	10/22/91	6/30/93
Senator Marvin M. Ward	10/22/91	6/30/93
Hon. Ollie Harris*	10/16/91	6/30/93
Ms. Lou Wilson*	10/16/91	6/30/93
(Speaker) Rep. Howard Hunter (Co-Ch)	10/30/91	
Rep. J. W. Crawford, Jr.		
Rep. Theresa Esposito		
Rep. Edith Lutz		
Rep. John McLaughlin		
Rep. Frank E. Rhodes		
Ms. Pearl Finch*		
Mr. V. B. "Hawk" Johnson*		
MINORITY HEALTH ADVISORY COUNCIL	Term-two years/four years staggered	
G.S. 130A-33.43—see Ch. 900, Sec. 166, 1991 S.L. (H.B. 1340)		
(Pro Tem) Senator Frank W. Ballance, Jr.	8/25/92	9/1/94
Senator Russell G. Walker	8/25/92	9/1/94
Mrs. Delores Steele*	8/25/92	9/1/94
Dr. Charles A. Cook*	9/10/92	9/1/94
Mr. John Leandro	9/10/92	9/1/95
(Speaker) (Not available at time of printing)		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires
MOTOR FUEL PRICING STUDY COMMISSION	Term–Terminates upon final report	
Ch. 754, Sec. 7.1, 1991 S.L. (S.B. 917)	Report–1992 Session; Final–1/15/93	
(Pro Tem) Senator Aaron W. Plyler (Co-Ch)	11/12/91	
Senator Ralph A. Hunt		
Senator David R. Parnell		
Senator Kenneth C. Royall, Jr.		
Senator Paul S. Smith		
(Speaker) Rep. Gerald Anderson (Co-Ch)	10/28/91	
Rep. David Flaherty		
Rep. Larry Jordan		
Rep. Mary McAllister		
Rep. Liston Ramsey		
MOTOR VEHICLE TOWING AND STORAGE/LRC	Term–Coincides with term of Office	
Ch. 754, Sec. 2.1(54), 1991 S.L. (S.B. 917)	Report–1992; 1993 Sessions	
(Pro Tem) Senator Alexander P. Sands III (Co-Ch)	11/4/91	
Senator Frank W. Ballance, Jr.		
Senator William D. Goldston, Jr.		
Senator Ralph A. Hunt		
Senator B. Tommy Pollard		
Mr. Gary Bevell*		
Mr. Harvey L. Davis*		
(Speaker) Rep. Don Beard (Co-Ch)	10/17/91	
Rep. Joanne Bowie		
Rep. Robert Brawley		
Rep. Ed McGee		
Rep. Leo Mercer		
Rep. Raymond Thompson, Sr.		
Rep. Alex Warner		
(LRC Coordinator) Rep. David Redwine		
MOUNTAIN AREA STUDY COMMISSION	Term–terminates upon final report	
Ch. 754, Sec. 16.1, 1991 S.L. (S.B. 917)	Report–Final–prior to 1993 Session	
(Pro Tem) Senator Herbert L. Hyde (Co-Ch)	11/12/91	
Senator J. Clark Plexico		
Senator William D. Goldston, Jr.		
Senator Daniel R. Simpson		
Ms. Vonna Cloninger*	11/22/91	
Hon. Wayne Hooper*		
Mr. David Huskins*	11/26/91	
(Speaker) Rep. Narvel Crawford (Co-Ch)	10/24/91	
Rep. Charles Beall		
Rep. Marie Colton		
Rep. Richard Morgan		
Mr. Donald Bunn*		
Mr. Clayton Davis*		
Mr. Hugh Morton*		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
NURSING, NORTH CAROLINA CENTER FOR, BOARD OF DIRECTORS		Term-three years/staggered	
G.S. 90-171.71—see Ch. 550, Sec. 3, 1991 S.L. (H.B. 314)			
(Pro Tem)	Mr. Lee Pridgen*	7/28/92	6/30/95
	Ms. Terry Rose*	8/9/91	6/30/94
	Ms. Judy Seamon*	8/9/91	6/30/94
	Ms. Betty Woodard*	8/9/91	6/30/93
(Speaker)	Mr. Jonathan Hankins*	8/3/92	6/30/95
	Ms. Cathy Chapman*	7/31/91	6/30/94
	Mr. Rees Jenkins*	7/31/91	6/30/93
	Ms. Rebecca Pitts*	7/31/91	6/30/93
NURSING SCHOLARS COMMISSION, NORTH CAROLINA		Term-four years/staggered	
G.S. 90-171.60—see Ch. 879, Sec. 6, 1991 S.L. (S.B. 1026)			
(Pro Tem)	Mrs. Patsy Ezzell*	8/12/89	7/1/93
	Mrs. Catherine T. Hollowell*		
	Mrs. JoAnn B. Schoen*		
(Speaker)	Ms. Bonnie K. Ratchford Blair*	8/21/89	7/1/93
	Dr. Richard L. Brownell* (Resigned)	8/21/89	7/1/93
	Dr. Jan Crawford* [UT—Brownell]	7/31/90	7/1/93
	Ms. V. Diane Gibbs*	8/21/89	7/1/93
OCEAN AFFAIRS, NORTH CAROLINA COUNCIL ON		Term-four years/staggered	
G.S. 143B-390.10—see Ch. 320, 1991 S.L. (S.B. 389)			
(Pro Tem)	Mr. J. C. Jones*	10/1/91	9/30/95
	Mr. Harry Shiffman*	10/1/91	9/30/95
	Ms. Angie Tooley*	10/1/91	9/30/93
	Mrs. Wilma Woodard*	10/1/91	9/30/93
(Speaker)	Mr. Edward C. Bromeier*	1/10/92	9/30/93
	Mr. Lee Brothers*	1/10/92	9/30/93
	Mr. Raymond T. Graham, Sr.*	1/10/92	9/30/95
	Mr. Dallas Holton, Jr.*	1/10/92	9/30/95
OPEN GOVERNMENT THROUGH PUBLIC TELECOMMUNICATIONS STUDY COMMISSION		Term-Terminates upon final report	
Ch. 1078, Sec. 6.1, 1989 S.L.; Ch. 755, 1991 S.L. (H.B. 6) Report-by 5/1/92			
(Pro Tem)	Senator Mary P. Seymour (Co-Ch)	11/13/91	5/1/92
	Senator Marc Basnight		
	Senator Herbert L. Hyde		
	Senator Paul S. Smith		
	Mr. Thomas H. Campbell*		
(Speaker)	Rep. Judy Hunt (Co-Ch)	10/24/91	5/1/92
	Rep. Bobby Barbee		
	Rep. George Miller		
	Rep. Warren Oldham		
	Mr. Bruce Mears*	2/5/92	5/1/92

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
PARKS AND RECREATION AREAS STUDY/LRC		Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(4), 1991 S.L. (S.B. 917)		Report-1992; 1993 Session	
(Pro Tem)	Senator J. K. Sherron, Jr. (Co-Ch)	11/14/91	
	Senator Betsy L. Cochrane		
	Senator Mary P. Seymour		
	Senator James D. Speed		
	Senator Dennis J. Winner (Resigned)		
	Dr. George Silver*	10/16/91	
	Mr. John Woody*	11/14/91	
	Mr. James Stevens* [UT—Winner]	9/10/92	
(Speaker)	Rep. Daniel DeVane (Co-Ch)	10/22/91	
	Rep. Narvel Crawford		
	Rep. Arlie Culp		
	Rep. Bruce Ethridge		
	Rep. Jo Graham Foster		
	Rep. Larry Jordan		
	Rep. Wade Wilmoth		
(LRC Coordinator)	Senator J.K. Sherron		
PASTORAL COUNSELORS, STATE BOARD OF EXAMINERS OF FEE-BASED PRACTICING		Term-four years/staggered	
G.S. 90-385—see also Ch. 670, 1991 S.L. (H.B. 881)			
(Pro Tem)	Dr. Lyman Ferrell*	10/2/91	
	Dr. John E. Humphrey*		
(Speaker)	Dr. Lee S. Dukes III*	9/18/91	
	Mr. Ben A. Waterford*		
PERSONNEL—see STATE PERSONNEL			
PHYSICAL FITNESS AMONG YOUTH/LRC		Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(50), 1991 S.L. (S.B. 917)		Report-1992; 1993 Sessions	
(Pro Tem)	Senator Ed N. Warren (Co-Ch)	10/21/91	
	Senator John D. Carter		
	Senator William N. Martin		
	Senator Joseph B. Raynor		
	Senator Lura Tally		
	Ms. Ernestine Wooten*	11/13/91	
	Ms. Lib Fearing*		
(Speaker)	Rep. Bertha Holt (Co-Ch)	11/12/91	
	Rep. Fred Bowman		
	Rep. Howard Chapin		
	Rep. William Lewis		
	Rep. Warren Oldham		
	Mr. Norman Day*		
	Dr. Beverly Downing*		
(LRC Coordinator)	Senator Lura Tally		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
PRISON INMATES, USE OF/LRC		Term–Coincides with term of Office	
Ch. 754, Sec. 2.1(23), 1991 S.L. (S.B. 917)		Report–1992; 1993 Sessions	
(Pro Tem)	Senator Joseph B. Raynor (Co-Ch)	10/21/91	
	Senator Roy A. Cooper III		
	Senator David R. Parnell		
	Senator Aaron W. Plyler		
	Senator Robert G. Shaw		
	Mr. William D. "Billy" Etheridge*		
	Mrs. Marie Hinton*		
(Speaker)	Rep. Charles Albertson (Co-Ch)	10/17/91	
	Rep. Fred Bowman		
	Rep. Aaron Fussell		
	Rep. Charlotte Gardner		
	Rep. Herman Gist		
	Rep. Robert Hensley		
	Rep. Carolyn Russell		
(LRC Coordinator)	Rep. Pete Cunningham		
PRIVATE PROTECTIVE SERVICES BOARD		Term–three years	
G.S. 74C-4(b)			
(Pro Tem)	Hon. James H. Edwards*	4/22/91	6/30/93
(Speaker)	Mr. Joel Garth Locklear*	8/3/92	6/30/95
	Dr. James C. Purvis*	7/31/90	6/30/93
	Mr. Mack Donaldson*	8/5/91	6/30/94
(See Also Appointment of Lieutenant Governor)			
PROPERTY TAX STUDY COMMISSION		Terminates upon final report by 3/1/91	
Ch. 802, Sec. 9.1, 1989 S.L. (S.B. 231)			
(Pro Tem)	Senator Dennis J. Winner (Co-Ch)	9/8/89	3/1/91
	Senator Frank W. Ballance, Jr.		
	Senator William D. Goldston, Jr.		
	Senator Charles W. Hardin		
	Senator Ralph A. Hunt		
	Senator T. LaFontine Odom		
	Senator Joe Raynor		
	Senator Robert G. Shaw		
	Honorable John M. Booker*		
	Honorable Melvin Oliver*		
	Honorable Robert V. Owens*		
(Speaker)	Rep. Frank E. Rhodes (Co-Ch)	10/19/89	3/1/91
	Rep. Robert Brawley		
	Rep. Logan Burke		
	Rep. Annie B. Kennedy		
	Rep. John H. Kerr III		
	Rep. Clayton Loflin		
	Rep. James Arthur Pope		
	Rep. Stephen Wood		
	Ms. Judith A. Critcher*		
	Mr. W. Harrell Everett, Jr.*		
	Mr. Bob Lewis*		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires

PUBLIC EMPLOYEES' DAY CARE AND MEDICAL AND DENTAL BENEFITS/LRC—Continued—see HEALTH SYSTEMS ISSUES/LRC
Ch. 802, Sec. 2.1(23), 1989 S.L.;
Ch. 754, Sec. 2.1(11), 1991 S.L. (S.B. 917)

RAILROAD ADVISORY COMMISSION — Term-Pleasure of Appointive Authority
Ch. 754, Sec. 3.1 (S.B. 917); Ch. 1044, Sec. 8 (S.B. 1205), 1991 S.L.

(Pro Tem)	Senator R. L. Martin (Designee/Co-Ch)	10/22/91
	Senator Franklin L. Block	
	Senator N. Leo Daughtry	
(Speaker)	Rep. Bruce Ethridge (Designee/Co-Ch)	10/24/91
	Rep. Jack Hunt	
	Rep. Leo Mercer	

RAILROAD, LEASE AND RENEGOTIATION OF CONTRACTS/LRC—Continued—see RAILROADS AND OTHER PUBLIC TRANSPORTATION/LRC
Ch. 802, Sec. 2.1(1), 1989 S.L.; Ch. 754, Sec. 2.1(42), 1991 S.L. (S.B. 917)

RAILROADS AND OTHER PUBLIC TRANSPORTATION/LRC — Term-Coincides with term of Office
Ch. 754, Sec. 2.1(17)(42), 1991 S.L. (S.B. 917) Report-1992; 1993 Sessions

(Pro Tem)	Senator Howard N. Lee (Co-Ch)	11/14/91
	Senator Franklin L. Block	
	Senator N. Leo Daughtry	
	Senator Robert L. Martin	
	Senator Dennis J. Winner	
	Mr. Cecil Hill*	
	Ms. Louise McColl*	
(Speaker)	Rep. John Hurley (Co-Ch)	11/4/91
	Rep. Joanne Bowie	
	Rep. Aaron Fussell	
	Rep. Jack Hunt	
	Rep. Howard Hunter	
	Rep. Albert Lineberry	
	Rep. Paul Luebke	
	Rep. George Robinson	
	Mr. Wendell Edwards*	
	Ms. Christie Price*	
(LRC Coordinator)	Rep. Peggy Stamey	

REAL ESTATE APPRAISAL BOARD — Term-three years/staggered
G.S. 93A-78

(Pro Tem)	Mr. Henry Faircloth*	8/9/91	6/30/93
(Speaker)	Ms. Dana E. Outlaw*	8/5/91	6/30/94

REAL PROPERTY TRANSFERS STUDY COMMISSION, STATE — Term-Terminates Upon Final Report
Ch. 900, Sec. 19, 1991 S.L. (H.B. 1340) Report-Final by 1/27/93

(Pro Tem)	Senator J. K. Sherron (Co-Ch)	8/21/92	1/27/93
	Senator R. L. Martin		
	Senator James F. Richardson		
(Speaker)	(Not available at time of printing)		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
REGISTER OF DEEDS, UNIFORM ADMINISTRATION OF ALL COUNTIES/LRC		Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(43), 1991 S.L. (S.B. 917)		Report-1992; 1993 Sessions	
(Pro Tem)	Senator Herbert L. Hyde (Co-Ch)	11/14/91	
	Senator J. Richard Conder		
	Senator T. L. "Fountain" Odom		
	Senator Alexander P. Sands III		
	Senator Paul S. Smith		
	Mr. John Harmon*		
	Mr. Roy N. Williams*		
(Speaker)	Rep. Liston Ramsey (Co-Ch)	11/19/91	
	Rep. Ed Bowen		
	Rep. Charles Buchanan		
	Rep. Bruce Ethridge		
	Rep. Eugene Rogers		
	Rep. Carolyn Russell		
	Mr. Robert Robinson*		
(LRC Coordinator)	Senator J.K. Sherron		
REVENUE LAWS AND LOCAL REVENUE SOURCES OPTIONS/LRC		Term-Coincides with term of Office	
Ch. 802, Sec. 2.1(12), 1989 S.L.; Ch. 754, Sec. 2.1(1), 1991 S.L. (S.B. 917)		Report-1992; 1993 Sessions	
(Pro Tem)	Senator Dennis J. Winner (Co-Ch)	11/1/91	
	Senator John D. Carter		
	Senator J. Clark Plexico		
	Senator Mary P. Seymour		
	Senator William W. Staton		
	Mr. Wes Seegars*		
	Ms. Lillian O'Briant*	10/28/91	
(Speaker)	Rep. John Gamble (Co-Ch)	10/22/91	
	Rep. Mary Jarrell		
	Rep. Larry Justus		
	Rep. John Kerr		
	Rep. Dan Lilley		
	Rep. Paul Luebke		
	Rep. Timothy Tallent		
(LRC Coordinator)	Rep. Marie Colton		
SCHOOL SITE-BASED MANAGEMENT, TASK FORCE ON		Term-two years	
G.S. 115C-238.7—see Ch. 900, Sec. 76, 1991 S.L. (H.B. 1340)		Report-Within first week of 1993 Convening; biennially thereafter	
(Pro Tem)	Senator Beverly M. Perdue	8/24/92	9/1/94
	Mr. Frederick L. Bartholomew*		
	Mr. Bobby R. Kornegay*		
	Mrs. Julia Kron*		
	Dr. John A. Murphy*		
(Speaker)	(Not available at time of printing)		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
SEAFOOD AND AQUACULTURE, JOINT LEGISLATIVE COMMISSION ON		Term-Coincides with Office	
G.S. 120-70.61—see also Ch. 689, Sec. 184.1, 1991 S.L. (H.B. 83)			
(Pro Tem)	Senator Marc Basnight (Co-Ch)	10/22/91	12/31/92
	Senator J. Richard Conder		
	Senator Beverly M. Perdue		
	Senator Robert G. Shaw		
(Speaker)	Rep. E. David Redwine (Co-Ch)	3/20/91	1/30/93
	Rep. Robert Grady		
	Rep. John C. Hasty [Resigned]		
	Rep. Howard B. Chapin	9/4/91	1/30/93
	Rep. Ronald L. Smith [UT—Hasty]	1/6/92	1/30/93
SENTENCING AND POLICY ADVISORY COMMISSION, NORTH CAROLINA			
G.S. 164-37—see Ch. 816, 1991 S.L. (S.B. 1129)			
(Pro Tem)	Senator Frank W. Ballance, Jr.	7/24/92	7/1/93
	Senator David R. Parnell		
	Senator A. P. Sands III		
	Ms. Lao Rubert*		
(Speaker)	Rep. Anne C. Barnes	8/3/92	7/1/93
	Rep. E. David Redwine		
	Mr. Luther Moore*		
	Rep. H. Mickey Michaux, Jr.	8/14/92	7/1/93
(See Also Appointment of Lieutenant Governor)			
SOCIAL SERVICES STUDY COMMISSION			
Ch. 802, Sec. 13.2, 1989 S.L.		Final report prior to 1993 Session	
—Continued Ch. 754, Sec. 5.1, 1991 S.L. (S.B. 917)			
(Pro Tem)	Senator Russell Walker (Co-Ch)	10/22/91	1/27/93
	Senator Roy A. Cooper III		
	Senator James F. Richardson		
(Speaker)	Rep. Edd Nye (Co-Ch)	10/24/91	
	Rep. Maggie Jeffus		
	Ms. Anne Mackie*		
SOLID AND INFECTIOUS WASTE MANAGEMENT/LRC—Continued —see SOLID WASTE CONTROL AND DISPOSAL ISSUES/LRC			
Ch. 802, Sec. 2.1(2), 1989 S.L.; Ch. 754, Sec. 2.1(51), 1991 S.L. (S.B. 917)			
SOLID WASTE CONTROL AND DISPOSAL ISSUES/LRC			
Ch. 754, Sec. 2.1(27)(51)(52), 1991 S.L. (S.B. 917)			
		Term-Coincides with term of Office	
		Report-1992; 1993 Sessions	
(Pro Tem)	Senator T. L. "Fountain" Odom (Co-Ch)	10/21/91	
	Senator N. Leo Daughtry	10/21/91	
	Senator James D. Speed	10/21/91	
	Senator William W. Staton	10/21/91	
	Senator Dennis J. Winner (Resigned)	10/21/91	
	Senator Roy A. Cooper III [UT—Winner]	9/10/92	
	Mr. Mike Abernathy*	10/16/91	
	Mr. Hunt Mallette*	11/13/91	
	Mr. Mike Brenner*	12/23/91	

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires

SOLID WASTE CONTROL AND DISPOSAL ISSUES/LRC (Continued)

(Speaker)	Rep. Raymond Thompson, Sr. (Co-Ch)	10/17/91
	Rep. Howard Barnhill	
	Rep. Ed Bowen	
	Rep. James Crawford, Jr.	
	Rep. Daniel DeVane	
	Rep. Gordon Greenwood	
	Rep. Harry Grimmer	
	Rep. Foyle Hightower	
	Rep. Bradford Ligon	
	Mr. Cary Saul*	
(LRC Coordinator)	Senator Lura Tally	

SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AGENCY Term-two years

G.S. 159I-4(b)

(Pro Tem)	Mrs. Caroline C. Parker*	8/9/91	6/30/93
(Speaker)	Hon. Nancy Preston*	8/2/91	6/30/93

STATE PARKS—see **PARKS, STATE**

STATE PERSONNEL STUDY COMMISSION

Ch. 754, Sec. 4.1, 1991 S.L. (S.B. 917) Term-Coincides with term of Office

(Pro Tem)	Senator Joseph E. Johnson (Co-Ch)	10/22/91
	Senator J. K. Sherron, Jr.	
	Senator Daniel R. Simpson	
(Speaker)	Rep. Toby Fitch (Co-Ch)	10/24/91
	Rep. Nick Jeralds	
	Rep. Wayne Kahl	

STUDENTS AT RISK/LRC Term-Coincides with term of Office

G.S. 120-30/17(1) Report-by 1/6/93

(Pro Tem)	Senator William N. Martin (Co-Ch)	9/14/92
	Senator J. Richard Conder	
	Senator Helen R. Marvin	
	Senator Dan R. Simpson	
	Mr. Harold Daniel*	
	Dr. G. Thomas Houlihan*	
	Dr. David T. Tayloe, Jr.*	
(Speaker)	Rep. Aaron Fussell (Co-Ch)	9/28/92
	Rep. W. W. Dickson	
	Rep. Charlotte Gardner	
	Rep. Margaret Jeffus	
	Rep. Luther Jeralds	
	Rep. Henry M. Michaux, Jr.	
	Rep. Warren Oldham	
	Rep. Eugene Rogers	
	Ms. Rhonda Raney*	
(Coordinator)	Rep. David Redwine	

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments	Appointed	Expires
SUPPLEMENTAL SCHOOL FUNDING, LEGISLATIVE STUDY COMMISSION ON	Terminates Upon Final Report	
Ch. 900, Sec. 69, 1991 S.L. (H.B. 1340)	Report-Final by 3/1/93	
(Pro Tem) Senator Marc Basnight (Co-Ch)	8/24/92	3/1/93
Senator Betsy L. Cochrane		
Senator J. Richard Conder		
Senator Marvin Ward		
Dr. Larry M. Bell*		
Mr. R. E. Wilkins*		
(Speaker) (Not available at time of printing)		
TEACHER TRAINING TASK FORCE	Term-None Specified	
Ch. 971, 1991 S.L. (H.B. 1357)	Report-Interim by 2/15/93; Final by 4/1/94	
(Pro Tem) Senator Ed N. Warren	9/1/92	4/1/94
(Speaker) (Not available at time of printing)		
TRAVEL AND TOURISM, NORTH CAROLINA BOARD	Term-two years	
G.S. 143B-434.1—see Ch. 406 (S.B. 522); Ch. 959 (S.B. 1235), Sec. 54, 1991 S.L.		
(Pro Tem) Senator Howard N. Lee	8/9/91	12/31/92
Senator Beverly Perdue	8/9/91	12/31/92
Mr. William Jordan Williamson, Jr.*	8/9/91	12/31/92
Mr. Ralph Peters*	8/9/91	12/31/92
Senator Howard N. Lee	1/1/93	12/31/94
Senator Beverly M. Perdue	1/1/93	12/31/94
Mr. Ralph Peters*	1/1/93	12/31/94
Mr. William Jordan Williamson, Jr.*	1/1/93	12/31/94
(Speaker) Rep. Ronald L. Smith	8/5/91	12/31/92
Rep. Judy Hunt	8/5/91	12/31/92
Ms. Victoria Sutton*	8/5/91	12/31/92
Ms. Becky Williams*	10/17/91	12/31/92
UNDERGROUND STORAGE TANK FUNDS COUNCIL, PETROLEUM	Term-two years	
G.S. 143-215.94O—see Ch. 538 (H.B. 1222); Ch. 817 (S.B. 1169), 1991 S.L.		
(Pro Tem) Mr. James T. Fain*	8/9/91	6/30/93
Mr. Thomas Mehder*	8/9/91	6/30/93
Ms. Angela Waldorf*	8/9/91	6/30/93
Mr. Don Ward*	8/9/91	6/30/93
Mr. Jeff Turlington*	7/28/92	6/30/93
(Speaker) Mr. Glen Anderson*	8/1/91	6/30/93
Mr. George A. Dorsett, Jr.*	8/1/91	6/30/93
Mr. John David Grady, Jr.*	8/1/91	6/30/93
Mr. Bo Rader*	8/1/91	6/30/93
VETERANS HOME STUDY COMMISSION		
Ch. 1074, Sec. 20(a), 1989 S.L. (S.B. 1427)	Report-1991 Session	
(Pro Tem) Senator Joseph Raynor	9/19/90	6/30/91
Adjutant L.S. Craver*		
Mr. Preston F. Garris*		
Mr. Garnett Shropshire*		
Mr. Wallace E. Tyson*	10/19/90	6/30/91
(Speaker) Rep. William Hurley	9/10/90	
Mr. Arnold Gallimore*		
Mr. Samuel E. Cannon, Sr.*		
Mr. Raddy G. Hughes*		
Mr. J. Frank Ray*		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
VOTER PARTICIPATION, METHODS TO IMPROVE/LRC		Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(65), 1991 S.L. (S.B. 917)		Report-1992; 1993 Sessions	
(Pro Tem)	Senator Ralph A. Hunt (Co-Ch)	11/14/91	
	Senator John D. Carter		
	Senator Roy A. Cooper III		
	Senator Herbert L. Hyde		
	Senator Russell G. Walker		
	Mr. Clarence Lightner*		
	Ms. Polly Jenkins*		
(Speaker)	Rep. H. M. Michaux, Jr. (Co-Ch)	11/6/91	
	Rep. Anne Barnes		
	Rep. John Gamble, Jr.		
	Rep. Herman Gist		
	Rep. Robert Grady		
	Rep. James Pope		
	Rep. Peggy Stamey		
	Rep. Dennis Wicker		
	Ms. Pat Spearman*		
(LRC Coordinator)	Rep. Frank Rhodes		
WASTEWATER SYSTEMS INSTITUTE, NORTH CAROLINA ON-SITE, BOARD OF DIRECTORS		Term-two years	
G.S. 130A-344—see Ch. 1044, Sec. 59, 1991 S.L. (S.B. 1205)			
(Pro Tem)	Mr. T. M. Franklin*	8/31/92	6/30/95
	Mr. Doug Lassiter*		
	Mr. Furnie V. Singletary, Jr.*		
	Mr. Eddie Stallings*		
	Mr. Latt Moretz*		
(Speaker)	(Not available at time of printing)		
WATER, SURFACE/LRC—Continued —see WATER ISSUES, GROUND AND SURFACE/LRC			
Ch. 802, Sec. 2.1(16), 1989 S.L.; Ch. 754, Sec. 2.1(3), 1991 S.L. (S.B. 917)			
WATER ISSUES, GROUND AND SURFACE/LRC		Term-Coincides with term of Office	
Ch. 754, Sec. 2.1(3)(49) , 1991 S.L. (S.B. 917)		Report-1992; 1993 Sessions	
(Pro Tem)	Senator Lura Tally (Co-Ch)	10/21/91	
	Senator Franklin L. Block		
	Senator Howard F. Bryan		
	Senator Joseph E. Johnson		
	Senator Kenneth C. Royall, Jr.		
	Senator J. K. Sherron, Jr.	1/3/92	
	Mr. Eddie Barnes*	10/16/91	
	Mr. Warren G. McDonald*	10/16/91	
(Speaker)	Rep. Aaron Fussell (Co-Ch)	11/8/91	
	Rep. David Flaherty		
	Rep. Ray Fletcher		
	Rep. Karen Gottovi		
	Rep. Gordon Greenwood		
	Rep. Julia Howard		
	Rep. Larry Jordan		
(LRC Coordinator)	Senator Lura Tally		

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
WATERSHED PROTECTION ADVISORY COUNCIL			Term–two years
G.S. 143-214.6(a)			
(Pro Tem)	Mrs. Betsy Johnson*	8/12/89	6/30/93
	Hon. Molly Fearing*		
(Speaker)	Mr. William H. Stanley*	8/6/91	6/30/93
	Mr. Robert D. Shaw*	8/6/91	6/30/93
WETLANDS PROTECTION, LEGISLATIVE STUDY COMMISSION ON			
Ch. 802, Sec. 16.3, 1989 S.L. (S.B. 231)		Report–Final by 3/1/91	
(Pro Tem)	Senator Thomas F. Taft (Co–Ch)	9/1/89	3/1/91
	Senator William Barker		
	Senator Dennis Winner		
	Mr. Kenneth M. Kirkman*		
	Mrs. Lena Ritter*		
(Speaker)	Rep. Bruce Ethridge (Co–Ch)	10/26/89	
	Rep. George Robinson		
	Rep. John Weatherly		
	Mr. Jud Ammons*		
	Dr. Mike Corcoran*		
WORKER TRAINING TRUST FUND STUDY/LRC		Term–Coincides with term of Office	
Ch. 802, Sec. 2.1(3), 1989 S.L.; Ch. 754, Sec. 2.1(6), 1991 S.L. (S.B. 917)		Report–1992; 1993 Sessions	
(Pro Tem)	Senator Russell Walker (Co–Ch)	11/1/91	
	Senator Howard F. Bryan		
	Senator Ralph A. Hunt		
	Senator Mary P. Seymour		
	Senator R. C. Soles, Jr.		
	Mr. Bobby Porter*	11/18/91	
	Mr. Ralph A. Kimel*	1/6/92	
(Speaker)	Rep. Albert Lineberry (Co–Ch)	10/22/91	
	Rep. Ruth Easterling		
	Rep. Joe Hege		
	Rep. Vernon James		
	Rep. Ed McGee		
	Rep. Harry Payne		
	Ms. Deborah B. Warren*		
(LRC Coordinator)	Rep. Pete Cunningham		
WORKER'S COMPENSATION FOR FARM WORKERS/LRC		Term–Coincides with term of Office	
Ch. 754, Sec. 2.1(25), 1991 S.L. (S.B. 917)		Report–1992; 1993 Sessions	
(Pro Tem)	Senator James D. Speed (Co–Ch)	10/21/91	
	Senator William D. Goldston, Jr.		
	Senator Fletcher L. Hartsell, Jr.		
	Senator William N. Martin		
	Senator B. Tommy Pollard		
	Ms. Sharon Thompson* (Resigned)	11/1/91	
	Mr. Billy Yeargin*	11/1/91	
	Dr. Erin Kuczmarski* [UT—Thompson]	12/18/91	

*Citizen Appointee
[UT]—Filling Unexpired Term

President Pro Tempore/Speaker Appointments		Appointed	Expires
WORKER'S COMPENSATION FOR FARM WORKERS/LRC (Continued)			
(Speaker)	Rep. Leo Mercer (Co-Ch)	10/17/91	
	Rep. Charles Albertson		
	Rep. John Brown		
	Rep. Annie Kennedy		
	Rep. Charles McLawhorn		
	Rep. Richard Morgan		
	Ms. Pamela DiStefano*		
(LRC Coordinator)	Rep. Pete Cunningham		
WORKPLACE SAFETY AND HEALTH, INTER-AGENCY TASK FORCE ON STATE AGENCY OVERSIGHT			
Ch. 1008, 1991 S.L. (H.B. 1395)		Report-Final by	3/1/93
(Pro Tem)	Mr. William Chandler*	8/21/92	3/1/93
(Speaker)	Mr. John May*	8/14/92	3/1/93

NOTE: Appointments made **prior to 1989** were made by the following:
President Pro Tempore—The Honorable J. J. "Monk" Harrington
Speaker of the House of Representatives—
The Honorable Liston B. Ramsey

Appointments made between **1989 and 1990** were made by the following:
Speaker of the House of Representatives—
The Honorable Josephus L. Mavretic

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*Citizen Appointee
[UT]—Filling Unexpired Term

NATIONAL CONFERENCE OF STATE LEGISLATURES STANDING COMMITTEES

(Term coincides with Legislative term)

President Pro Tempore *Speaker*

ASSEMBLY ON THE LEGISLATURE

Arts and Tourism
Senator Ed N. Warren — Speaker *Pro Tempore* Marie W. Colton

Children and Family Services
Senator Helen R. Marvin — Rep. James Green, Rep. Charlotte Gardner

Commerce and Economic Development
Senator William W. Staton — Rep. Pete Cunningham, Rep. Robert Brawley

Criminal Justice
Senator T. LaFontine Odom — Speaker Daniel Blue, Rep. George Robinson

Education
Senator Marvin Ward — Rep. Anne Barnes, Rep. Howard Chapin

Fiscal Affairs and Oversight
Senator Marc Basnight — Rep. David Diamont, Rep. Paul Luebke

Labor
Senator David R. Parnell — Rep. Robert Hensley, Rep. Mary Jarrell

Legislative Management
Senator Howard N. Lee — Mrs. Grace A. Collins, Principal Clerk; Mr. George Hall

Science, Energy and Environmental Resources
Senator Lura S. Tally — Rep. Jack Hunt, Rep. Barney Woodard

State-Local Relations
Senator A. P. Sands III — Rep. Larry Jordan, Rep. Wade Wilmoth

Reapportionment Task Force
Senator Dennis J. Winner — Rep. Toby Fitch, Mr. Glenn Newkirk

STATE–FEDERAL ASSEMBLY

President Pro Tempore	*Speaker*
Agriculture and International Trade	
Senator James D. Speed	Rep. Charles Albertson
Senator R.L. Martin (Alternate)	Rep. Vernon James (Alternate)
Commerce, Labor and Regulation	
Senator Beverly Perdue	Rep. Ray C. Fletcher
	Rep. C. Robert Brawley (Alternate)
Communications	
Senator Ted Kaplan	Rep. Karen E. Gottovi
	Rep. Carolyn B. Russell (Alternate)
Education and Job Training	
Senator William N. Martin	Rep. Eugene Rogers
Senator J. Richard Conder (Alternate)	Rep. Warren C. Oldham (Alternate)
Energy	
Senator Franklin L. Block	Rep. Donald Dawkins
	Rep. David G. Balmer (Alternate)
Environment and Natural Resources	
Senator J. Clark Plexico	Rep. Bruce Ethridge
	Rep. William H. Withrow (Alternate)
Federal Budget and Taxation	
Senator Kenneth C. Royall, Jr.	Rep. Martin L. Nesbitt
Senator Paul S. Smith (Alternate)	
Health	
Senator Russell Walker	Rep. Edd Nye
	Rep. W. L. Wainwright (Alternate)
Human Services	
Senator Wendell H. Murphy	Rep. Mary McAllister
Senator James F. Richardson (Alternate)	Rep. W. W. Dickson (Alternate)
Law and Justice	
Senator Ralph A. Hunt	Rep. Howard Hunter
Transportation	
Senator Wm. D. Goldston, Jr.	Rep. Bertha M. Holt
Senator T. LaFontine Odom (Alternate)	Rep. John McLaughlin (Alternate)

SOUTHERN LEGISLATIVE CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS

Appointing Authority: *President Pro Tempore*

Executive Committee
Senator Henson P. Barnes
Senator J. Richard Conder (Alternate)
Senator Kenneth C. Royall, Jr.
(Member as former Southern Legislative Conference Chairman)

Agriculture and Rural Development Committee
Senator James D. Speed
Senator R. L. Martin
Senator Howard F. Bryan (Alternate)
Senator N. Leo Daughtry (Alternate—1991)

Economic and Cultural Development Committee
Senator William W. Staton
Senator Roy A. Cooper III
Senator J. K. Sherron, Jr. (Alternate—1992)

Education Committee
Senator Marvin Ward
Senator William N. Martin
Senator Ed Warren (Alternate—1992)

Energy Committee
Senator Howard N. Lee
Senator Paul S. Smith

Environmental Quality and Natural Resources Committee
Senator Lura Tally
Senator Mary Seymour
Senator Robert G. Shaw (Alternate)

Federal Preemption and State/Federal Affairs Committee
Senator J. K. Sherron, Jr.
Senator Frank W. Ballance, Jr.

Fiscal Affairs and Government Operations Committee
Senator Marc Basnight
Senator Aaron W. Plyler
Senator Kenneth C. Royall, Jr.
Senator J. Richard Conder (1992)
Senator Ed Warren (1992)
Senator Donald R. Kincaid (Alternate)

Human Resources Committee
Senator Wendell H. Murphy (1991)
Senator James F. Richardson
Senator Russell Walker (1992)
Senator Betsy L. Cochrane (Alternate)

Justice and Consumer Affairs Committee
Senator Helen R. Marvin
Senator David R. Parnell

Southern Legislative Conference/CSG (continued)

Transportation Committee
Senator William D. Goldston, Jr.
Senator Marc Basnight
Senator Daniel R. Simpson (Alternate)

SLC/CSG Committee on Suggested State Legislation (SSL)
Senator Ralph A. Hunt
Senator Herbert L. Hyde

STANDING COMMITTEES

AGRICULTURE, MARINE RESOURCES, AND WILDLIFE COMMITTEE:
Senator Speed (Chairman)
Senator Murphy (Vice-Chairman)
Senator Parnell (Vice-Chairman)
Senator Kincaid (Ranking Minority Member)
Senators Ballance, Daughtry, Hyde, Martin of Pitt, Marvin, Perdue, Sands, Shaw, Simpson, Soles, Tally, and Warren.

ALCOHOLIC BEVERAGE CONTROL COMMITTEE:
Senator Ballance (Chairman)
Senator Raynor (Vice Chairman)
Senator Daughtry (Ranking Minority Member)
Senators Blackmon, Goldston, Odom, and Seymour.

APPROPRIATIONS COMMITTEE:
Senator Basnight (Chairman)
Senator Royall (Vice-Chairman)
Senator Johnson (Vice-Chairman)
Senator Murphy (Vice-Chairman)
Senator Kincaid (Vice Chairman and Ranking Minority Member)
Senators Ballance, Blackmon, Block, Bryan, Carter, Cochrane, Conder, Forrester, Hartsell, Hunt, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Plyler, Pollard, Richardson, Simpson, Speed, Tally, Walker, Ward, and Warren.

APPROPRIATIONS - EDUCATION COMMITTEE:
Senator Ward (Chairman)
Senator Conder (Vice Chairman)
Senator Carter (Ranking Minority Member)
Senators Hunt, Simpson, and Warren.

APPROPRIATIONS - GENERAL GOVERNMENT COMMITTEE:
Senator Martin of Guilford (Chairman)
Senator Block (Vice Chairman)
Senator Hartsell (Ranking Minority Member)
Senators Perdue and Speed.

APPROPRIATIONS - HUMAN RESOURCES COMMITTEE:
Senator Richardson (Chairman)
Senator Walker (Vice Chairman)
Senator Forrester (Ranking Minority Member)
Senators Pollard and Murphy

APPROPRIATIONS - JUSTICE AND PUBLIC SAFETY COMMITTEE:
Senator Marvin (Chairman)
Senator Parnell (Vice-Chairman)
Senator Bryan (Ranking Minority Member)
Senators Ballance, Blackmon, and Odom.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES COMMITTEE:
Senator Martin of Pitt (Chairman)
Senator Tally (Vice-Chairman)
Senator Kincaid (Ranking Minority Member)
Senators Cochrane, Johnson, Kaplan, and Royall.

BANKS AND THRIFT INSTITUTIONS COMMITTEE:
Senator Staton (Chairman)
Senator Martin of Pitt (Vice-Chairman)
Senator Shaw (Vice-Chairman)
Senator Kincaid (Ranking Minority Member)
Senators Ballance, Block, Carpenter, Carter, Johnson, Kaplan, Murphy, Seymour, Sherron, Soles, Warren, and Winner.

BASE BUDGET COMMITTEE:
Senator Plyler (Chairman)
Senator Royall (Vice-Chairman)
Senator Johnson (Vice-Chairman)
Senator Kincaid (Vice-Chairman)
Senator Murphy (Vice-Chairman)
Senator Simpson (Ranking Minority Member)
Senators Ballance, Basnight, Blackmon, Block, Bryan, Carter, Cochrane, Conder, Forrester, Hartsell, Hunt, Martin of Pitt, Martin of Guilford, Marvin, Odom, Parnell, Perdue, Pollard, Richardson, Speed, Tally, Walker, Ward, and Warren.

CONSTITUTION COMMITTEE:
Senator Hyde (Chairman)
Senator Odom (Vice-Chairman)
Senator Marvin (Vice-Chairman)
Senator Cochrane (Ranking Minority Member)
Senators Ballance, Basnight, Cooper, Daniel, Hartsell, Johnson, Kaplan, Martin of Guilford, Pollard, Soles, and Winner.

ECONOMIC DEVELOPMENT COMMITTEE:
Senator Cooper (Chairman)
Senator Simpson (Vice-Chairman)
Senator Staton (Vice-Chairman)
Senator Walker (Vice-Chairman)
Senator Cochrane (Ranking Minority Member)
Senators Allran, Blackmon, Block, Conder, Hunt, Lee, Martin of Guilford, Plexico, Seymour, Sherron, and Tally.

EDUCATION COMMITTEE:
Senator Conder (Chairman)
Senator Ward (Vice-Chairman)
Senator Warren (Vice-Chairman)
Senator Smith (Vice-Chairman)
Senator Bryan (Ranking Minority Member)
Senators Block, Carter, Cooper, Daughtry, Hartsell, Hunt, Martin of Guilford, Marvin, Murphy, Perdue, Richardson, Simpson, Tally, and Walker.

ELECTION LAWS COMMITTEE:
Senator Hunt (Chairman)
Senator Sands (Vice-Chairman)
Senator Blackmon (Ranking Minority Member)
Senators Cooper, Hartsell, Kaplan, Lee, Parnell, Pollard, Seymour, and Walker.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE:
Senator Tally (Chairman)
Senator Lee (Vice-Chairman)
Senator Plexico (Vice-Chairman)
Senator Shaw (Ranking Minority Member)
Senators Allran, Basnight, Bryan, Carpenter, Cochrane, Cooper, Daniel, Martin of Pitt, Murphy, Odom, Sherron, Staton, Walker, and Winner.

FINANCE COMMITTEE:
Senator Daniel (Chairman)
Senator Goldston (Vice-Chairman)
Senator Soles (Vice-Chairman)
Senator Royall (Vice-Chairman)
Senator Smith (Vice-Chairman and Ranking Minority Member)
Senators Allran, Carpenter, Cooper, Daughtry, Hyde, Kaplan, Lee, Plexico, Raynor, Sands, Seymour, Shaw, Sherron, Staton, and Winner.

HIGHER EDUCATION COMMITTEE:
Senator Perdue (Chairman)
Senator Royall (Vice-Chairman)
Senator Cochrane (Vice-Chairman and Ranking Minority Member)
Senators Conder, Forrester, Goldston, Kincaid, Lee, Martin of Guilford, Murphy, Shaw, Staton, Tally, Ward, Warren, and Winner.

HUMAN RESOURCES COMMITTEE:
Senator Murphy (Chairman)
Senator Walker (Vice-Chairman)
Senator Plexico (Vice-Chairman)
Senator Smith (Ranking Minority Member)
Senators Cochrane, Cooper, Forrester, Goldston, Kincaid, Martin of Guilford, Marvin, Raynor, Richardson, Royall, Speed, Tally, and Ward.

INSURANCE COMMITTEE:
Senator Odom (Chairman)
Senator Seymour (Vice-Chairman)
Senator Raynor (Vice-Chairman)
Senator Pollard (Ranking Minority Member)
Senators Ballance, Goldston, Hyde, Johnson, Kincaid, Parnell, Smith, and Soles.

JUDICIARY I COMMITTEE:
Senator Soles (Chairman)
Senator Hyde (Vice-Chairman)
Senator Martin of Guilford (Vice-Chairman)
Senator Simpson (Ranking Minority Member)
Senators Blackmon, Daughtry, Johnson, Lee, Odom, Raynor, Staton, and Tally.

JUDICIARY II COMMITTEE:
Senator Sands (Chairman)
Senator Ballance (Vice-Chairman)
Senator Block (Vice-Chairman)
Senator Allran (Ranking Minority Member)
Senators Carpenter, Cooper, Daniel, Hartsell, Marvin, Richardson, Sherron, and Winner.

LOCAL GOVERNMENT AND REGIONAL AFFAIRS COMMITTEE:
Senator Lee (Chairman)
Senator Odom (Vice-Chairman)
Senator Shaw (Ranking Minority Member)
Senators Allran, Bryan, Conder, Hunt, Plexico, Richardson, Sands, Seymour, and Sherron.

MANUFACTURING AND LABOR COMMITTEE:
Senator Parnell (Chairman)
Senator Hunt (Vice-Chairman)
Senator Allran (Ranking Minority Member)
Senators Ballance, Cooper, Goldston, Hyde, Johnson, Kincaid, Martin of Guilford, Odom, Perdue, Plexico, Richardson, Sands, Simpson, and Smith.

PENSIONS AND RETIREMENT COMMITTEE:
Senator Block (Chairman)
Senator Conder (Vice-Chairman)
Senator Speed (Vice-Chairman)
Senator Carpenter (Ranking Minority Member)
Senators Basnight, Bryan, Daniel, Daughtry, Hunt, Marvin, Plyler, Pollard, Royall, Seymour, Sherron, and Winner.

PUBLIC UTILITIES COMMITTEE:
Senator Seymour (Chairman)
Senator Sherron (Vice-Chairman)
Senator Smith (Ranking Minority Member)
Senators Blackmon, Carpenter, Cochrane, Goldston, Hunt, Johnson, Martin of Pitt, Murphy, Parnell, Royall, Soles, Staton, and Warren.

REDISTRICTING COMMITTEE
Senator Winner (Chairman)
Senator Allran (Ranking Minority Member)
Senators Ballance, Basnight, Bryan, Cochrane, Daniel, Daughtry, Johnson, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Odom, Perdue, Plexico, Plyler, Richardson, Sands, Shaw, Smith, Soles, Speed, Staton, and Walker.

CONGRESSIONAL REDISTRICTING SUBCOMMITTEE
Senator Walker (Chairman)
Senator Staton (Vice-Chairman)
Senator Daughtry (Vice-Chairman)
Senators Allran, Ballance, Bryan, Martin of Pitt, Marvin, Odom, Perdue, Smith, Soles, and Speed.

LEGISLATIVE REDISTRICTING SUBCOMMITTEE
Senator Johnson (Chairman)
Senator Kaplan (Vice-Chairman)
Senator Martin of Guilford (Vice-Chairman)
Senator Shaw (Vice-Chairman)
Senators Basnight, Cochrane, Daniel, Kincaid, Plexico, Plyler, Richardson, and Sands.

RULES AND OPERATION OF THE SENATE COMMITTEE:
Senator Winner (Chairman)
Senator Kaplan (Vice-Chairman)
Senator Plyler (Vice-Chairman)
Senator Bryan (Ranking Minority Member)
Senators Block, Carter, Daniel, Hartsell, Hunt, Hyde, Kincaid, Marvin, Royall, Simpson, Soles, Staton, Walker, and Ward.

STATE PERSONNEL AND STATE GOVERNMENT COMMITTEE:
Senator Sherron (Chairman)
Senator Richardson (Vice-Chairman)
Senator Simpson (Ranking Minority Member)
Senators Allran, Conder, Daughtry, Forrester, Goldston, Hunt, Johnson, Martin of Pitt, Raynor, Royall, Sands, Staton, and Warren.

TRANSPORTATION COMMITTEE:
Senator Goldston (Chairman)
Senator Basnight (Vice-Chairman)
Senator Murphy (Vice-Chairman)
Senator Smith (Ranking Minority Member)
Senators Allran, Carpenter, Kaplan, Martin of Pitt, Odom, Parnell, Plyler, Pollard, Raynor, Richardson, Speed, and Ward.

TRAVEL, TOURISM, AND CULTURAL RESOURCES:
Senator Warren (Chairman)
Senator Seymour (Vice-Chairman)
Senator Shaw (Ranking Minority Member)
Senators Basnight, Block, Carter, Cochrane, Hyde, Lee, Perdue, Plexico, and Raynor.

VETERAN AND MILITARY AFFAIRS, LAW ENFORCEMENT, AND SENIOR CITIZENS COMMITTEE:
Senator Raynor (Chairman)
Senator Perdue (Vice-Chairman)
Senator Carpenter (Ranking Minority Member)
Senators Forrester, Hyde, Lee, Parnell, Plexico, Pollard, and Speed.

WAYS AND MEANS COMMITTEE:
Senator Royall (Chairman)
Senator Kaplan (Vice-Chairman)
Senator Daniel (Vice-Chairman)
Senator Daughtry (Ranking Minority Member)
Senators Basnight, Blackmon, Carter, Conder, Forrester, Goldston, Lee, Martin of Pitt, Plyler, Shaw, Sherron, Soles, Tally, Walker, and Ward.

SENATE STAFF

OFFICE OF THE PRESIDENT

Lieutenant Governor	James C. Gardner
Director of Communications	Tina N. Wilson
Assistants	
Administrative	Jennifer M. Norton
	Dionne Shaw
Boards and Commissions	David C. Bagnal
Constituent Affairs	Ted S. Brown
Executive	Glen Downs
Research and Policy and Legislative Liaison	Karen A. Morison
Administrative Secretary	Rachel Harrell
Scheduler	Gail Whitaker
Receptionist	Teresa H. Thomas
	Betsy Davis
Executive Director, NC Drug Cabinet	Janet I. Pueschel

OFFICE OF THE PRESIDENT PRO TEMPORE

President *Pro Tempore*	Henson P. Barnes
Legislative Liaison	Robert D. Warren
Executive Aide/Chaplain	Steve W. Lucas
Chaplain	Mike Morris
Public Information Officer	Theresa Dalton
Executive Assistant	Joan Leatherman
Administrative Assistants	Rebecca Miller
	Delores Steele
Page Coordinator	Carolyn Westbrook
	Karon Ellis
Page Supervisor	Karon Ellis
	Ruth Fletcher

OFFICE OF THE DEPUTY PRESIDENT PRO TEMPORE

Deputy President Pro Tempore	Kenneth C. Royall, Jr.
Secretary	Joan Spencer
Committee Clerk	Rosemary Haddock

OFFICE OF THE PRINCIPAL CLERK

Principal Clerk	Sylvia Morris Fink
Administrative Assistants	June Simpkins Bennett
	Mona R. Fitzgerald
Calendar Clerk	Emma E. "Bill" Farrow
Assistant Calendar Clerks	Sheila Jo Davis
	Nancy Dickens
	Linda Stephenson

Journal Clerk	Sandra P. Brown
Assistant Journal Clerks	Philip Adams
	Betty Bridger
	Mary Finch
	Chad Flowers
	Kitty S. Pruitt
	DeLean Thomason
READING CLERK	LeRoy Clark, Jr.

OFFICE OF THE SERGEANT-AT-ARMS

Sergeant-at-Arms	Gerda B. Pleasants
Deputy Sergeant-at-Arms	Royster Baker
Secretary	Susan Thomason
Assistants	
Ann Banzet	Walter Ramseur
Martha Dunn	Jesse Rice
Jimmy Hight	Phil Riley
Paula Hopper	Philip Rose
Ron Moore	Mark Speed
Jack Mueller	Sherri Westbrook
Hubert Poole	Leslie Wright

SECRETARIES/COMMITTEE CLERKS

Supervisor: Janet Pruitt

Name	*Senator*	*Clerk of Committee*
Allen, Allyson	Murphy	Human Resources
Allen, Doris	Parnell	Manufacturing and Labor
Altman, Connie	Winner	Redistricting; Rules and Operation of the Senate
Avent, Irma	Richardson	Appropriations on Human Resources
Bagley, Jane (Dee)	Smith	
Banko, Pat	Allran	
Batchelor, Jerry	Staton	Banks and Thrift Institutions
Blankenship, Becky	Shaw	Minority Leader
Britt, Judy	Daniel	Finance
Bullard, Bernice	Daughtry	
Caldwell, Wilma	Warren	Travel, Tourism, and Cultural Resources
Canady, Anne	Perdue	Higher Education
Carpenter, Helen	Carpenter	
Cooper, Hazel	Walker	Congressional Redistricting
Costello, Evelyn	Kaplan	Majority Leader
Critcher, Blanche	Johnson	Legislative Redistricting
Crutchfield, Sondra	Martin of Guilford	Appropriations on General Government
Drew, Frances	Speed	Agriculture, Marine Resources, and Wildlife
Dunnigan, Soraya	Ballance	Alcoholic Beverage Control
Gooden, Carolyn	Hyde	Constitution
Haddock, Rosemary	Royall	Ways and Means
Hinton, Sharon	Raynor	Veteran and Military Affairs, Law Enforcement, and Senior Citizens

SECRETARIES (continued)

Name	*Senator*	*Clerk of Committee*
Hoffritz, Blane	Hartsell	
Hogan, Peggy Anne	Sands	Judiciary II
Holbrook, Dot		Office of Supervisor
Hoppa, Eileen	Hartsell	
House, Pat	Ward	Appropriations on Education
Jacobi, Marianne	Tally	Environment and Natural Resources
Johnson, Gerry	Bryan	
Jordan, Martha	Simpson	
King, Lynda	Martin of Pitt	Appropriations on Natural and Economic Resources
Lambert, Ann	Sherron	State Personnel and State Government
Leatherman, Joan	Barnes	Office of President *Pro Tempore*
LeFort, Terry	Blackmon	
LeGrande, Beth	Plexico	
Misner, Pat	Plyler	Base Budget
Moore, Susan	Cooper	Economic Development
Murphy, Sarah	Conder	Education
Myers, Elaine	Goldston	Transportation
Parrish, Claudette		Office of Supervisor
Paschal, Marguerite	Basnight	Appropriations
Porter, Courtney	Daniel	
Porter, Phyllis	Kincaid	
Puryear, Janet	Soles	Judiciary I
Raynor, Gail	Pollard	
Resar, Carol	Block	Pensions and Retirement
Russell, Elnora	Lee	Local Government and Regional Affairs
Seward, Debra	Hunt	Election Laws
Soyster, Megan	Carter	
Spencer, Joan	Royall	Deputy President *Pro Tempore*
Talton, Angela	Basnight	
Taylor, Mary Lee	Cochrane	
Tyree, Lois	Forrester	
Tyson, Mary	Marvin	Appropriations on Justice and Public Safety
Waugaman, Dorothy	Odom	Insurance
Williams, Penny	Seymour	Public Utilities

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